

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, November 29th, 1875—7 o'clock P. M.* }

The Common Council met in regular session.

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

Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Duffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—25.

Absent—Councilman Kahn—1.

The proceedings of the regular session, held November 22d, 1875, were read and approved.

Sealed proposals for constructing a two foot cement pipe, glazed earthenware or brick sewer in and along Potomac street or West Court street, from the first alley east of California street to Missouri street, and connecting with the sewer in said Missouri street.

Also, for building an iron bridge over the Indianapolis, Cincinnati & Lafayette railroad track at the crossing of Noble street.

Were received, opened, read and referred to the Committee on Contracts.

#### REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—I was directed to examine the Washington street sewer between Illinois and Meridian streets, and report the condition of the same :

Myself, together with Bruner & Riner, the contractors, the sewer cleaner, and others, who saw the sewer when it was finished, went down into said sewer and examined the same and find that the top of the arch is very flat at a point near the alley between Meridian and Illinois streets, but I do not apprehend any danger from this defect, as the sewer has stood in this condition for nearly two years.

The contractors pledged themselves at the time the sewer was completed, that they would repair all damages should any occur, and they inform me that they are now willing to furnish a bond in the sum of one thousand dollars to cover all damages, should the sewer cave in at any time. This amount will more than double the expense of repairing the sewer should it break down at the point mentioned, and as a matter of precaution, I would recommend that said bond be accepted, and the City Attorney directed to draw up the necessary papers for signing.

#### SECOND.

The petition of D. H. Oliver and others, asking that the Street Commissioner be directed to change the flow of water along the north side of the National Road in Indianola, so that it may flow into White river without flowing upon private property, which was referred to me with instructions to report what is necessary

to be done. Would recommend as the best plan the introduction of an ordinance for the improvement of the sidewalks on the National Road between the White river bridge and the corporation line west, by grading and graveling the same, or otherwise. This will throw the water into the street, and afterwards the gutters of said street can be raised so as to drain the water through the streets running north, thereby causing the water to flow into White river.

### THIRD.

A large portion of Randolph street has caved in where Crooked Creek crosses the same, caused by a rise in said creek during the recent light rains. Also, the four foot wooden culvert which your honorable body ordered to be put in under the south sidewalk of Michigan street, to convey the water of said creek between Randolph and State streets, has sunk down so much that scarcely any or no water can pass through, thereby causing the water to back up and overflow the State Reformatory grounds.

To repair this wooden culvert it will have to be uncovered, taken out and replaced. This will incur an expense of about five thousand dollars, as the south sidewalk on Michigan street and a portion of the street lying next thereto, must be excavated for about seven hundred feet, at an average depth of eleven feet, and fifteen feet wide.

The Board of Trustees of the State Reformatory are about to institute proceedings against the city for damages, unless immediate steps are taken to secure them a permanent and free passage of the water of Crooked Creek from their grounds.

Some time since I made a report to your honorable body, showing the necessity of building a brick sewer in and along Michigan street from Randolph street to Pogues Run, and earnestly recommend the construction of the same, and an ordinance for which, if I mistake not, is still before your honorable body on its second reading.

As I have before mentioned, it will require about five thousand dollars to repair the wooden culvert on Michigan street, which, when put in good order, will last about two years.

The city in building the brick sewer referred to, will save the cost of building some seven or eight bridges over Crooked Creek; two of which must be built next spring, one on Hanna street and the other on Michigan street, and also the present expense of repairing the wooden culvert.

As a matter of necessity, I would again recommend the building of said sewer in Michigan street, and thereby secure a permanent and substantial outlet for the water of Crooked Creek.

There may be the necessity for the construction of other sewers, but none more pressing than the building of the one herein referred to.

Should your honorable body conclude not to build said sewer, I would recommend that you take some immediate action for the repairing of the wooden culvert.

Respectfully submitted.

BERNHARD H. DIETZ,  
City Civil Engineer.

The first and second paragraphs were concurred in.

The Mayor presented the following communication :

INDIANAPOLIS, IND., November 29, 1875.

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

*Gentlemen* :—We, the undersigned, members of the Board of Managers of the Indiana Reformatory institution for Women and Girls, respectfully represent to your honorable body that the wooden culvert under Randolph street, at its intersection with Michigan street, has entirely caved in, thereby preventing the water from passing through the wooden sewer along Michigan street, and backing it up on the ground<sup>s</sup> of the State, whence there is no outlet.

The Reformatory grounds are already in part submerged by the overflow of Crooked Run, and immediate relief must in some way be furnished.

We are directed by the highest authority of the State to bring legal action against the city. This, however, as citizens of Indianapolis we hesitate to do, and therefore earnestly pray your honorable body to take action on the subject this evening, without referring to a committee for future decision.

Respectfully,

J. H. KAPPES,  
J. A. FINCH,  
Board of Managers.

Mr. Gimber offered the following motion :

*Moved*, That the City Civil Engineer be and he is hereby directed to prepare an estimate of the cost of building of the proposed brick sewer in Michigan street, and also the proportion of the expense of the same which can be assessed to the property owners along the line of Crooked Creek where the same is to be taken out by building said sewer, together with an estimate of the probable cost of the bridges which will be required should Crooked Creek remain in its present channel, and also the cost of repairing the wooden culvert between Randolph and State streets, and report to this Council on next Monday night.

Mr. Albershardt moved to refer the whole matter to the Committee on Sewers.

Which motion was not adopted.

The third paragraph of the Engineer's report was received.

The communication was also received.

Mr. Gimber's motion was then adopted.

Mr. Gimber moved that the City Civil Engineer be instructed to take such measures as will afford immediate relief to the property holders on Crooked Creek from damages by overflow of water.

Which motion was adopted.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, November 29, 1875.

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

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

A second and final estimate allowed C. S. Roney, for building a cistern at the corner of Tennessee and Herbert streets—

854.3 barrels at 58 cents.....	\$495 48
Less former payment .....	347 48
	<hr/>
Present payment .....	\$148 00

Also, a second and final estimate allowed C. S. Roney, for building a cistern at the corner of Central avenue and Seventh street—

726.62 barrels at 58 cents.....	\$421 44
Less former payment.....	295 44
	<hr/>
Present payment .....	\$126 00

Also, a second, corrected and partial estimate allowed E. H. Roney, for grading, graveling, curbing, paving and bouldering the gutters on Market street, from Alabama to Noble street—

3000 lineal feet curbing at 46½ cents.....	\$1,402 50
1739.4 lineal feet bouldering gutters at 60 cents.....	1,043 64
352.08 square yards bouldering street and alley crossings at 68 cents.....	246 21
14 lineal feet paving at 59 cents .....	8 79
1076.8 cubic yards screened gravel at \$1.15.....	1,238 32
2600.9 lineal feet sand at 20 cents.....	520 18
840 lineal feet bouldering gutters at 68 cents .....	571 20
	<hr/>
	\$5,030 84
Less former payment.....	3,117 78
	<hr/>
Present payment.....	\$1,913 06

Also, a first and final estimate allowed Thomas H. S. Peck & Co., for erecting lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on Union street from Hanway street to the south side of McCarty's south addition—

5 lamp posts, lamps and fixtures at \$22.00.....\$110 00

Also, a first and final estimate allowed John Green, for grading and graveling Williams street and sidewalks, between Illinois and Tennessee streets—

1192 lineal feet at 43 cents.....\$512 56

Also, a first and partial estimate allowed Bruner & Riner, for building a brick sewer in and along Maryland street, from Illinois street to the east line of the first alley west of Meridian street—

340 lineal feet at \$2.35.....\$799 00

Also, a first and final estimate allowed Frederick Gansberg, for grading and graveling Lexington avenue and sidewalks, from Dillon to Linden street—

2237 lineal feet at 87 cents.....\$1,946 19

Also, a first and final estimate allowed William Sonnefield, for grading and graveling the alley running southeast and northwest between Huron and Elm streets, from Grove to Dillon street—

703.33 lineal feet at 15 cents .....\$105 50

Also, a second and final estimate allowed John Schier, for paving the north sidewalk of Washington street, between Noble street and the corporation line east, except where already paved—

900.5 lineal feet at 74½ cents ..... \$670 87

20 lineal feet curbing reset at 15 cents..... 3 00

\$673 87

Less former payment..... 648 54

Present payment ..... \$25 33

Also, a first and partial estimate allowed Bruner & Riner, for building a well at the corner of Columbia avenue and Pendleton Road—

\$700 00

Less 30 per cent..... 210 00

Present payment..... \$490 00

Also, a first and final estimate allowed Henry Clay, for grading and graveling Fayette street and sidewalks, from First to Third streets—

1775 lineal feet at 53 cents.....\$940 75

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in, except the estimate of John Greene, for improving Williams street, which was stricken from the report.

Also, the following estimate resolution :

*Resolved*, That the foregoing second, corrected and partial estimate allowed E. H. Roney for grading, graveling, curbing, paving and bouldering the gutters on Market street from Alabama to Noble street be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed Thomas H. S. Peck & Co., for erecting lamp posts, lamps and fixtures, complete to burn gas except the service pipe on Union street from Hanway street to the south side of McCarty's south addition be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and partial estimate allowed Bruner & Riner for building a brick sewer in and along Maryland street from Illinois street to the east line of the first alley west of Meridian street be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed Frederick Gansberg for grading and graveling Lexington avenue and sidewalks from Dillon to Linden streets be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and final estimate allowed Wm. Sonnefield



for grading and graveling the alley running south-east and north-west between Huron and Elm streets, from Grove to Dillon streets be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing second and final estimate allowed John Scheier for paving the north sidewalk of Washington street between Noble street and the corporation line east, except where already paved be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

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

Negative—None.

Also, the following estimate resolution :

*Resolved*, That the foregoing first and partial estimate allowed Henry Clay for grading and graveling Fayette street and sidewalks from First to Third streets be and the same is hereby adopted as the estimate of the Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig,

Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—24.

Negative—None.

The City Clerk submitted the following report :

INDIANAPOLIS November 29, 1875.

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

*Gentlemen* :—The City Clerk respectfully reports the following affidavits now on file in his office for the collection of street assessments by precept, to-wit :

Frederick Gansberg vs. Michael Ryan for.....	\$6 66
Frederick Gansberg vs. Jesse and Mary Mescall for.....	6 79
Frederick Gansberg vs. Emma Horner for.....	7 80
Frederick Gansberg vs. August Ritter for.....	7 80
Frederick Gansberg vs. August Ritter for.....	7 80
Frederick Gansberg vs. Conrad Crone for.....	7 80

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT,

City Clerk.

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

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

Negative—None.

Also, the following report :

INDIANAPOLIS, November 29, 1875.

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

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

John Greene vs. Margaret Engass for.....	\$31 15
John Greene vs. Margaret Engass for.....	31 15

John Greene vs. Margaret Engass for.....	\$31 15
John Greene vs. Margaret Engass for.....	26 70

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT,  
City Clerk.

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

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

Negative—None.

Also, the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—At your meeting held Nov. 22, 1875, the Committee on Opening and Laying out of Streets and Alleys, made a report on the petition of T. M. Murphy, et al. asking for the opening and extension of Bates street, which report was concurred in and resolution adopted, instructing the City Clerk to issue notices to property holders and City Commissioners. On examination I find the petition and plat defective, and am of the opinion, with the City Attorney, whom I consulted, that any assessments made by the Commissioners under such petition could not be enforced. I therefore suggest that all former action in the matter be reconsidered and rescinded.

Respectfully submitted,

BENJ. C. WRIGHT,  
City Clerk.

Dr. Hook offered the following resolution :

*Resolved*, That all action heretofore had on the petition of T. M. Murphy, et al. asking for the opening and extension of Bates street from Noble to East street be and the same is hereby annulled and rescinded.

Which report and resolution was referred to the Committee on Opening and Laying Out Streets and Alleys and City Attorney.

The City Attorney submitted the following report:

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—In reference to the propriety of permitting the Water Works Company to take water from White river in case of extraordinary fires, I herewith submit a resolution which, I think, will protect fully the rights of the city.

Respectfully submitted,

CAS. BYFIELD,  
City Attorney.

Which was concurred in.

Also, the following resolution :

Whereas, It is represented by the Water Works Company that its wells furnish an abundant supply of water for domestic consumption and for extinguishing ordinary fires, but it fears that with its new and improved machinery its wells will not, when White River is low, furnish a sufficient supply of water when the demand is extraordinary, as in case of a large fire, or one of long duration;

And, Whereas, It is desired by said company that it be permitted to connect with the suction pipe in its well a suction pipe extending into the deepest part of White River opposite the Water Works building, the end of the pipe in the river to be protected by a crib or filter, and the pipe to be provided with a cut-off valve, said pipe being designed to be used only for supplying water in cases of emergency for the extinguishment of fires; it is therefore

*Resolved*, That the Water Works Company be and is authorized to construct such pipe and connection, and use the same to furnish water for extinguishing fire, when there is a demand for an extraordinary supply for that purpose, and shall not use said water for any other purpose or at any other time ; be it further

*Resolved*, That said pipe and connection be constructed in the manner indicated in the preamble, and under the supervision and subject to the approval of the City Civil Engineer and the Chief Fire Engineer of the city.

Which was adopted by the following vote :

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

Negative—None.

Also, the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—I herewith return the ordinance submitted to me providing for the abolishment of the office of Committee Clerk. I think the Council has the power at any time to pass an ordinance to abolish the office, and the fact that an ordinance having the same provisions and introduced for the purpose, and was stricken from the files at the session previous to the introduction of this ordinance does not in any way interfere with the power of the Council to pass the one under consideration

But the ordinance referred to me will not, in my opinion, reach the object sought, and I think it ought to be amended so as to repeal the ordinance establishing the office, passed May 26, 1873, and that portion of the ordinance passed May 26, 1875, appropriating money for the payment of the salary of the Committee Clerk

The question of the right of the present Committee Clerk to damages for the unexpired term of his employment, presents the most serious question and ought to be taken into consideration by the Council in the passage of this ordinance, but that question was not referred to me for an opinion.

Respectfully submitted,

CAS. BYFIELD.

City Attorney.

Mr. Thalman moved that the report and the ordinance be referred to the Committee on Revision of Ordinances, with instructions to prepare new ordinance in accordance with City Attorney's report, and to report such ordinance next Monday, and that the said ordinance be made the special order for next Monday night.

Mr. Albershardt moved to concur in the report of the City Attorney.

Mr. Stuckmeyer moved to lay Mr. Thalman's motion on the table.

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

Affirmative—Councilman Albershardt, Bollman, Buehrig, Curran, Diffley, Gimber, Kenzel, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—13.

Negative—Councilmen Adams, Craft, Darnell, Geiger, Hook, Ransdell, Reed, Schmidt, Thalman, Ward and Webster—11.

The City Attorney's report was then concurred in.

The City Attorney submitted the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen:*—I herewith return the resolution asking an opinion as to the right of persons to erect scales in the streets and alleys of the city.

No person has the right to erect such scales on the streets or alleys unless by permission of the Council, and I do not think the Council has the power to authorize their erection for private use on any of the streets and alleys, if such erection will in any way interfere with the use of the streets as public highways.

Respectfully submitted,

CAS. BYFIELD,  
City Attorney.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen:*—We have examined the petition of Isaiah Webb for refunding taxes erroneously collected, and respectfully recommend the granting of said petition.

WM. HADLEY,  
City Assessor.

CAS. BYFIELD,  
City Attorney.

Which was concurred in.

The Board of Health submitted the following report :

INDIANAPOLIS, November 29, 1875.

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 20th day of November, to 6 o'clock P. M. on the 27th day of November, 1875.

Under 1 year.....	7
1 to 2 years.....	1
2 to 3 ".....	2
3 to 4 ".....	2
4 to 5 ".....	0
5 to 10 ".....	0
10 to 20 ".....	1
20 to 30 ".....	3
30 to 40 ".....	3
40 to 50 ".....	0
50 to 60 ".....	3
60 to 70 ".....	1
70 to 80 ".....	1
80 to 90 ".....	1
90 to 100 ".....	0
Above 100 ".....	0
Unknown ".....	0
Total.....	25

C. E. WRIGHT, M. D.,

President Board of Health.

A. STRATFORD, M. D.,

Secretary Board of Health.

Which was received.

By consent, Mr. McGill, from the Committee on Contracts, submitted the following report:

INDIANAPOLIS, November 29, 1875.

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

Gentlemen:—Your Committee on Contracts to whom was referred sundry proposals for building sewers report that we have examined the same and find them to be as follows, to-witt, viz:

FIRST.

For constructing a brick sewer in and along Madison avenue from the south side of Yeizer street to and connecting with the Ray street sewer, the following proposals were presented, viz:

Joseph Hanna, sewer, \$4.20 per lineal foot run; catch basins \$60.00 each complete; manholes, \$20.00 each complete.

John L. Hanna, sewer \$5.00 per lineal foot run; catch basins \$46.00 each complete; manholes \$30.00 each complete.

Sol. Devenish's bid was not in accordance with ordinance and advertisement, therefore not considered.

Greene & Mahoney, sewer \$4.90 per lineal foot run; catch basin \$90.00 each complete; manholes \$35.00 each complete.

O. W. Kelly, sewer \$4.25 per lineal foot run; catch basins \$90.00 each complete; manholes \$30.00 each complete; house connections 50 cents each complete.

Lampard & Sindlinger, sewer \$4.25 per lineal foot run; catch basins \$60.00 each complete; manholes \$10.00 each complete.

Bruner & Riner not bidding in compliance with the ordinance and advertisement their bid is not considered.

Lampard & Sindlinger being the lowest and best bidders we recommend that they be awarded the contract.

## SECOND.

For building a brick sewer in and along Pennsylvania street from Home avenue to Second street, thence west in and along Second street to and connecting with the sewer in said Second street at the corner of Meridian street, the following proposals were presented, viz:

Bailey & Kelly, sewer \$4.80 per lineal foot run; catch basins \$85.00 each complete; manholes \$35.00 each complete; house connections 75 cents each complete.

Lampard & Sindlinger, sewer, \$4.25 per lineal foot run; catch basins, \$60.00 each complete; manholes, \$25.00 each complete; house connections, \$1.00 each complete.

O. W. Kelly, sewer, \$3.75 per lineal foot run; catch basins, \$90.00 each complete manholes, \$30.00 each complete; house connections, 50 cents each complete.

Sol. Devenish, not bidding in compliance with ordinance and advertisement, his bid is not considered.

Greene & Mahoney, sewer, \$4.50 per lineal foot run; catch basins, \$90.00 each complete; manholes, \$35.00 each complete.

John L. Hanna, sewer, \$4.15 per lineal foot run; catch basins, \$47.00 each complete; manholes, \$29.00 each complete; house connections, 50 cents each complete.

Joseph Hanna, sewer, \$4.15 per lineal foot run; catch basins, \$75.00 each complete; manholes, \$25.00 each complete.



Bruner & Riner, sewer, \$3.75 per lineal foot run; catch basins, \$75.00 each complete; manholes, \$23.00 each complete.

Bruner & Riner being the lowest and best bidders, we recommend that they be awarded the contract.

### THIRD.

For constructing a brick sewer in and along Georgia street, from Illinois street sewer to the first alley east of Meridian street, the following proposals were presented, viz:

Joseph Hanna, sewer, \$2.30 per lineal foot run; catch basins, \$75.00 each complete; manholes, \$25.00 each complete.

John L. Hanna, sewer, \$3.30 per lineal foot run; catch basins, \$32.00 each complete; manholes, \$22.00 each complete.

Greene & Mahoney, sewer, \$4.50 per lineal foot run; catch basins, \$90.00 each complete; manholes, \$35.00 each complete.

Sol. Devenish not bidding in accordance with ordinance and advertisement, his bid is therefore not considered.

Lampard & Sindlinger, sewer, \$2.30 per lineal foot run; catch basins, \$60.00 each complete; manholes, \$25.00 each complete; house connections, \$1.00 each complete.

Bruner & Riner not having bid in compliance with the ordinance and advertisement their bid is not considered.

Lampard & Sindlinger being the lowest and best bidders we recommend that they be awarded the contract.

Respectfully submitted,

ROBT. C. MCGILL,  
P. H. CURRAN,  
Committee on Contracts.

Which was concurred in and the contracts awarded.

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

*Moved*, That the City Sexton be and is hereby directed to construct a picket fence at the intersection of Kentucky avenue and River street, extending along River

street from Kentucky avenue a distance of one hundred and fifty feet, and along Kentucky avenue a distance of one hundred feet.

Which was adopted.

By consent, Dr. Stratford, from the Committee on Sewers, submitted the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen.*—Your Committee on Sewers to whom was referred the motion of Mr. McGill, asking for the Union Railway Company the privilege of laying down an iron pipe sewer across Louisiana street west of Illinois street. We report that the work is necessary, and they propose to do the same at their own expense. Recommend that the motion pass.

Respectfully submitted,

I. W. STRATFORD,

WM. BUEHRIG,

FRED. SCHMIDT.

Committee on Sewers.

Which was concurred in.

By consent, the Engineer submitted the following report :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen.*—The City Civil Engineer reports for your approval the contract and bond of Bruner & Riner for constructing a brick sewer in and along Pennsylvania street, from Home avenue to Second street, thence west and along said Second street to and connecting with the sewer in said Second street at the intersection of Meridian street.

Respectfully submitted.

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in and the bond approved.

As a question of privilege, Mr. Darnell presented the following communication :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—The American Meter Company respectfully represent to your honorable body that in December, 1874, your petitioner sold to the city of Indianapolis one ten-foot meter prover and other articles of the value of one hundred and fifty-seven dollars; that afterwards an appropriation was made for the amount; that the warrant was received by your then agent and officer, the Gas Inspector Robertson; that the sum due petitioner has never been paid.

Your petitioner has letters from your agent Robertson, showing very clearly the purchase, and showing also that he, while in office, received the warrant ordered to be issued to petitioner for articles sold the city. Your petitioner also states that the correspondence will very clearly show that Robertson was the city's agent, and not the petitioners, throughout the entire transaction.

It is very certain that the articles were sold to the city, that petitioner has never been paid therefor, and that if the city's agent acted fraudulently, it cannot legally or justly cause injury to the petitioners, for if one must suffer loss it must be the principal who appointed the agent. The representations of Mr. Robertson, which the petitioner understands was made to a committee of your body, that he was petitioners agent was utterly untrue, as will fully appear from written evidence which will be gladly submitted to a committee of, or to your honorable body upon request.

It is the opinion of petitioners counsel, that the law is well settled that the principal is liable for the fraud of his agent, and that this would make the city answerable for the fraud of Robertson. It may not be improper to call attention to another principle of law, and that is, that a city officer could not be the agent of a party with whom the city contracts, but this need not be insisted upon because it is certain Robertson was not the agent of petitioner.

Trusting that the matter may be adjusted without litigation, and that upon examination, you will find petitioners claim entirely valid, just and fair, the petitioner respectfully asks a full examination.

AMERICAN METER COMPANY,  
By ELLIOTT & AYRES, Attorneys.

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

Mr. Duffley introduced special ordinance No. 226, 1875, entitled :

An ordinance to provide for grading and graveling Ellis street, and paving with brick and curbing with stone the sidewalks thereof, between Maryland and Georgia streets.

Which was read the first time.

Mr. Geiger introduced special ordinance No. 227, 1875, entitled:

An ordinance to provide for paving the sidewalks on Illinois street, between Market and Ohio streets, to the full width of the sidewalks, where not already paved, and to repair the same where needed.

Which was read the first time.

Dr. Stratford moved to reconsider the vote by which the motion was adopted at the last meeting of the Council, directing the Street Commissioner to pave with boulders the front entrance to the No. 3 and 4 Engine Houses.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Darnell, Diffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Stuckmeyer, Thalman, Ward and Webster—25.

Negative—None.

Dr. Stratford moved to amend the motion by instructing the Street Commissioner to pave the front entrance to the No. 3 Engine House with wooden blocks, and the front entrance of No. 4 Engine House with boulders.

Which was adopted, and the motion as amended was then adopted.

By consent, Mr. Geiger offered the following motion :

*Moved*, That the City Civil Engineer be and is hereby instructed to make the estimate for the paving of the sidewalk in front of the State House, to Messrs. Dodd & McKinney, the contract having been assigned by the contractor John. L. McCauly, to the said Dodd & McKinney, and the Council hereby consent to said transfer of the contract.

Which was adopted.

By consent, Mr. Adams offered the following motion :

*Moved*, That Bernard Hammill be granted twenty days additional time in which to complete his contract for the improvement of Market street between Illinois and Tennessee street.

Which was adopted.

By consent, Mr. Craft offered the following motion :

*Moved*, That the Street Commissioner be and he is hereby directed to remove immediately the frame cabin on Hanna street, just above Michigan street, with a view to the opening of said street; the same to be done under the direction of the City Civil Engineer.

Which was adopted.

By consent, Mr. Thalman presented the following petition :

INDIANAPOLIS, November 29, 1875.

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

*Gentlemen* :—We, the undersigned, petition your honorable body to reconsider the action taken by you in reference to grade of sewer in Potomac alley or Court street, and change it so that the sewer will be ten feet deep at alley east of California street, and enter the main sewer, having two feet fall the entire length, and of twenty inch diameter.

R. B. Emerson, 407 ft.; John Carlilse, 202½ ft.; N  
Kellogg, 67½ ft.; Edward Coughlin, 100 ft.

Which was referred to the City Civil Engineer.

The following special orders were then taken up :

General ordinance No. 93, 1875, entitled :

An ordinance abolishing the office of Committe Clerk.

Was taken up and read the second time.

Mr. Gimber offered the following motion :

*Moved*, That the consideration of the ordinance No. 93, 1875, and the subject matter to which it relates is hereby postponed until the first Moaday in June, 1876-

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

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

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

Negative—Councilmen Albershardt, Bollman, Buehrig, Curran, Diffley, Gimber, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—12.

Mr. Ransdell offered the following amendment :

SECTION 2. All ordinances or parts of ordinances, in conflict with this ordinance are hereby repealed.

Mr. Reed offered the following amendment as a substitute to Mr. Ransdall's amendment :

SECTION 2. That the ordinance establishing the office of Committee Clerk, May 26, 1873, and that portion of the ordinance passed May 26, 1875, appropriating money for the payment of the salary of said Committee Clerk, and all the ordinances, if any there be, in relation to the office of Committe Clerk, be and the same are hereby repealed.

Which was accepted by Mr. Ransdell.

The question being on Mr. Reed's amendment, those who voted in the affirmative were :

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

Those who voted in the negative were :

Councilmen Albershardt, Bollman, Buehrig, Curran, Diffley,

Gimber, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—12.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So Mr. Reed's amendment was adopted.

Mr. Kenzel asked to be excused from voting on the question, stating that he had agreed to pair off with Mr. Kahn, who was absent from the city.

On motion, Mr. Kenzel was excused from voting.

Dr. Stratford offered the following amendment :

Amend Section 2 so as to read as follow: " This ordinance to take effect from and after the second Monday in May, 1876."

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

The question being on the adoption of Mr. Darnell's motion, those who voted in the affirmative were :

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

Those who voted in the negative were :

Councilmen Albershardt, Bollman, Buehrig, Curran, Diffley, Gimber, Laughlin, Madden, McGill, Reasner, Stratford and Stuckmeyer—12.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So Mr. Darnell's motion was adopted.

Mr. Craft moved to make the enacting clause the third section.

Which was adopted.

On motion by Mr. Ransdell, the main question was ordered.

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

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

Negative—Councilmen Albershardt, Bollman, Buehrig, Curran, Diffley, Gimber, Laughlin, Madden, McGill and Reasner—10.

Mr. Darnell moved to reconsider the vote just had.

On motion by Mr. Craft, Mr. Darnell's motion to reconsider was laid on the table.

Mr. Reed, from the Committee on Revision of Ordinances, submitted the following report :

INDIANAPOLIS, November, 29, 1875.

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

*Gentlemen* :—We herewith return the ordinance providing for the establishment of a City Work House. We have suggested on the margin of Section 4, an amendment that ought to be made to the ordinance, and with such amendment we recommend the passage of the same.

CAS. BYFIELD,  
City Attorney.

ENOS B. REED,  
F. M. HOOK,  
GEO. W. GERGER,  
Committee Revision Ordinances.

Which was concurred in.

General ordinance No. 87, 1875, entitled :

An ordinance authorizing the erection and maintenance of public buildings to be located on the grounds of the city known as the South Park, to be called the City Work House.

Was taken up.



The amendment to section 4, reported by the Committee, was read and adopted.

Mr. Craft moved that the ordinance as amended be printed, and made special order for next Monday night.

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

Which motion failed to pass by the following vote :

Affirmative—Councilmen Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Kenzel, Laughlin, Madden, McGill and Stratford—11.

Negative—Councilmen Adams, Albershardt, Craft, Darnell, Hall, Hook, Ransdell, Reasner, Reed, Schmidt, Thalman, Ward and Webster—13.

Dr. Stratford moved to amend Mr. Craft's motion by striking out the clause providing for printing the ordinance.

Mr. Albershardt moved as substitute to have the ordinance printed in the minutes.

Dr. Stratford moved to lay Mr. Albershardt's motion on the table.

The question being on Dr. Stratford's motion to lay on the table, those who voted in the affirmative were :

Councilmen Bollman, Buehrig, Curran, Diffley, Geiger, Gimber, Kenzel, Laughlin, Madden, McGill, Schmidt and Stratford—12.

Those who voted in the negative were :

Councilmen Adams, Albershardt, Craft, Darnell, Hall, Hook, Ransdell, Reasner, Reed, Thalman, Ward and Webster—12.

There being a tie vote, His Honor, the Mayor, voted in the negative.

So the motion to lay on the table was not adopted.

Mr. Albershardt's substitute was then adopted.

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

The ordinance, as amended, reads as follows, viz :

AN ORDINANCE authorizing the erection and maintenance of buildings to be located on the grounds of the city known as the South Park, to be called the City Work House.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis:* That there shall be erected by the Common Council of said city, upon the ground belonging to said city and known as the South Park, lying west of the J. M. & I. Railroad tracks, good substantial buildings of brick and wood, at a cost not exceeding ten thousand dollars, according to plans and specifications to be approved by the Common Council, which buildings, when completed, shall be known and recognized as the City Workhouse of said city. A part of such buildings shall be so constructed as to be used as a prison or lock up, with good strong walls of brick and stone, and sufficiently large to accommodate comfortably, at least fifty persons, and built in such manner that additions thereto may thereafter be made. The other parts of such buildings to be used as a boarding house, kitchen, laundry, and for other necessary purposes connected with such workhouse. In addition, there shall be erected rows of sheds, to be used as shops for the purpose of manual labor on the part of persons committed to such Workhouse by the Mayor's Court of said city; such manual labor to be, until otherwise ordered by the Common Council, the breaking of stone, under such regulations as to hours of labor and other matters of government and discipline as may be adopted by the Board of Managers, hereinafter provided for.

SEC. 2. There shall be elected by the Common Council, three members of the Board of Managers of the City Workhouse; one of whom shall be elected to serve for one year, one for two years, and one for three years, and annually, thereafter, one shall be elected for three years, who, together with the Mayor of the city, shall constitute the Board of Managers. They shall serve without compensation and shall have the entire control and management of such City Workhouse, and shall hold regular meetings at least twice in each month. They shall prepare and submit for the approval of the Common Council, such needful rules and regulations for the government of such Workhouse, and when so approved, such rules and regulations shall have the same force and effect as ordinances of the Common Council of said city.

SEC. 3. The Mayor of the city shall commit to such Workhouse, instead of ordering them to labor in the streets, all male persons who shall fail to pay or replevy any fine or forfeiture assessed against them by his Court, and shall also commit to such Workhouse, all others whom he may, under existing laws or

ordinances, be authorized to commit to prison, except such as are held to await the action of the Grand Jury of the County; and all persons so committed, shall be entitled to a credit upon their fine, forfeiture and costs, in an amount equal to seventy-five cents per day for each day they shall remain and be employed in such Workhouse.

SEC. 4. On the completion and ready for occupancy of such buildings, the Common Council shall appoint a keeper of City Workhouse, who shall have charge of the Workhouse; whose term of office and salary shall be fixed by the Common Council, and also shall be subject to removal at the pleasure of the Council, and said keeper be subject to and obey all rules and regulations adopted by the Board of Directors of said Workhouse. The keeper shall provide all the provisions and other articles necessary for the furnishing of good plain food for all inmates of such Workhouse, under the orders of the Committee on Supplies of the Common Council. The Common Council shall provide suitable furniture and fixtures, including apparatus for cooking, washing and ironing, fuel, bedclothes, tools and all materials to be used in the workshop or upon the grounds.

SEC. 5. The officer in charge shall, under the direction of the Park Commissioner have supervision of the improvements upon the grounds of the Public Parks, and for that purpose may use the labor of any of the inmates of such Workhouse, or he may use such labor in transferring any broken stones from the workshop to the public streets. The street Commissioner shall be entitled to the use of all broken stone at any time, or hand in such workshops for the purpose of repairing or improving any street or alley, or public park.

SEC. 6. This ordinance shall be in force from and after its passage.

As a special order, Mr. Darnell called up the coal question, and asked for a report from the Chairman of the Committee on Public Buildings.

Mr. Stuckmeyer, Chairman of the Committee on Public Buildings, was at this time absent from the Council Chamber.

It being stated that Mr. Stuckmeyer was below, the Marshal was instructed to notify him that his presence was wanted in the Council Chamber, and that the Council desired him to produce the coal bids or make a report in reference thereto.

The Marshal returned and stated that he had found Mr. Stuckmeyer, and delivered the Council's message to him, and that Mr. Stuckmeyer remarked that he had no report to make, and had used insulting language in reference to the Council.

By consent, Mr. Craft offered the following motion :

*Moved*, That the Committee Clerk be and is hereby ordered to place in the hands of the Committee on Judiciary with the City Attorney, and said committee is instructed to divide the papers and effects between the City Civil Engineer and City Clerk as the charter directs.

Which was adopted.

The following special order was taken up :

General ordinance No. 29, 1875, entitled :

An ordinance to establish public stands for licensed public hacks, carriages, express wagons, drays, or other vehicles kept or used for the purpose of transporting passengers, freight, or other articles, to and from points within the city of Indianapolis.

Was read the third time.

Mr. Madden offered the following amendment :

*Moved*, And on McNabb street between Illinois and Meridian streets and the north side of Circle street south of the south line of Market street.

Which was adopted by unanimous consent.

Mr. Gimber moved to have the ordinance printed in the minutes and to make the same the special order for next Monday night.

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

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

Affirmative—Councilman Adams, Craft, Darnell, Geiger, Hall, Hook, Madden, Ransdell, Reasner, Reed, Schmidt, Thalman, Ward and Webster—14.

Negative—Councilmen Albershardt, Curran, Diffley, Gimber, Kenzel, Laughlin, McGill, and Stratford—8.

The ordinance as amended was passed by the following vote :

Affirmative—Councilmen Adams, Craft, Darnell, Diffley, Geiger, Hall, Hook, Madden, Ransdell, Reasner, Reed, Schmidt, Thalman, Ward and Webster—15.

Negative—Councilmen Albershardt, Buehrig, Curran, Gimber, Kenzel, Laughlin, McGill and Stratford—8.

Mr. Ransdell moved to reconsider the vote just had.

On motion by Mr. Darnell, the motion to reconsider was laid on the table.

Mr. Madden moved to suspend the rules for the purpose of taking up general ordinance No. 90, 1875.

Which motion was adopted by the following vote :

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

Negative—None.

Dr. Ward moved to postpone the ordinance one week and have the same printed in the minutes.

Which was adopted.

The ordinance reads as follows, viz :

AN ORDINANCE declaring who are vagrants, and fixing the penalty for being a vagrant.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis:* That any person who shall be found loitering about the streets of said city, without any regular occupation, or who shall be found begging upon or along said street, alley, parks or other public place in said city, or who shall be found along or upon any street, alley, park or other public place in said city, playing upon any hand

organ or other musical instrument for the purpose of securing alms, or who shall be found lying or sleeping along or upon any public street, alley, park or other public place in said city, or who shall be found lying or sleeping in any stable, out-house, or building, warehouse or shed, freight depot or railroad car, or in or about any coal yard, lumber yard, stock yard, mill, or manufactory, in said city, provided in defense it may be shown that said person or persons have the permission of the owner or occupant thereof, to sleep and be in such places, shall be deemed a vagrant. And upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment not exceeding thirty days.

Mr. Adams offered the following resolution :

Whereas, Mr. Stuckmeyer, Chairman of the Committee on Public Buildings has repeatedly refused to return the bids for furnishing the city with coal, in accordance with the instructions of this Council, and when an officer of the city requests him to come before the Council he replies in an insulting manner ; therefore

*Resolved*, That this Council censure Mr. Stuckmeyer for his dereliction of duty and continued absence when requested to be present.

Mr. Reed offered the following motion :

*Moved*, That further debate on this subject be postponed until next Monday night. in order to hear from Mr. Stuckmeyer and give him an opportunity to retract or explain.

Which was adopted by the following vote:

Affirmative—Councilmen Adams, Albershardt, Buehrig, Curran, Diffley, Gimber, Kenzel, Laughlin, Madden, McGill, Reasner, Reed, Stratford and Thalman—14.

Negative—Councilmen Craft, Darnell, Geiger, Hall, Hook, Ransdell, Schmidt, Ward and Webster—9.

Immediately after the adoption of the above motion, Mr. Stuckmeyer entered the Council Chamber.

Mr. Schmidt moved to reconsider the vote by which Mr. Reed's motion was adopted.

Which motion to reconsider was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Craft, Curran, Darnell,

Diffley, Geiger, Gimber, Hall, Hook, Kenzel, Laughlin, Madden, McGill, Ransdell, Schmidt, Stratford, Thalman, Ward and Webster—20.

Negative—Councilmen Albershardt, Reasner, and Reed—3.

Mr. Stuckmeyer declined to vote.

Mr. Laughlin offered the following motion :

*Moved*, That Mr. Johnson be and is hereby requested to furnish this Council a copy of his bid on coal next Monday night.

On which no action was had.

Dr. Stratford offered the following motion :

*Moved*, That the Committee on Public Buildings are hereby directed to report to this Council at its next meeting, in writing, in reference to the bids for furnishing the city with coal, and the bids if they can be found, and if not, to explain the matter clearly.

Which was adopted.

On motion, the Council adjourned.

**JOHN CAVEN, Mayor.**

Attest :

**BENJ. C. WRIGHT, City Clerk.**