

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, February 7th, 1876—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, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Laughlin, Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Thalman, Ward and Webster—23.

Absent—Councilmen Darnell, Kenzel and Stuckmeyer—3.

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

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

INDIANAPOLIS, February 7, 1876.

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

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

A first and partial estimate allowed James Muse, for cleaning and deepening the State Ditch about five feet, commencing at or near the intersection of Tenth street and Hill avenue, and extending far enough west to give the water a free outlet into Fall Creek—

| | |
|----------------------------------|----------|
| 800 lineal feet at 75 cents..... | \$600 00 |
| Less 30 per cent..... | 180 00 |
| | <hr/> |
| Present payment | \$420 00 |

Also, a first and final estimate allowed James Mahoney, for grading and graveling Arsenal avenue and west sidewalk, and paving the east sidewalk thereof from Washington street to the track of the Pittsburgh, Cincinnati & St. Louis Railroad—

| | |
|---|----------|
| 646.2 lineal feet grading and graveling west side an 50 cents..... | \$323 10 |
| 35 lineal feet grading and graveling east side at 50 cents | 17 50 |
| 162.6 lineal feet grading and graveling west side at 35 cents..... | 56 91 |
| 455 lineal feet grading, graveling and paving east side at \$1.00 | 455 00 |
| | <hr/> |
| Total payment..... | \$852 51 |

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and partial estimate allowed James Muse for cleaning and deepening the State Ditch about 5 feet, commencing at or near the intersection of Tenth street and Hill avenue, and extending far enough west to give the water a free outlet into Fall Creek, be and the same is hereby adopted as the

estimate of this Council, and 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, Bollman, Buehrig, Craft, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Madden, Ransdell, Reasner, Reed, Schmidt, Thalman and Webster—18.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed James Mahoney, for grading and graveling Arsenal avenue and west sidewalk, and paving the east sidewalk thereof, from Washington street to the track of the Pittsburgh, Cincinnati & St. Louis Railroad, be and the same is hereby adopted of the estimate of this Council, and 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, Bollman, Buehrig, Craft, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Madden, Ransdell, Reasner, Reed, Schmidt, Thalman and Webster—18.

Negative—None.

Also, the following report :

INDIANAPOLIS, February 7, 1876.

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

Gentlemen.—I hereby report contract and bond of Indiana Cement Pipe Company for constructing an oval cement pipe sewer 20 x 30 inches in diameter, equal to two-foot 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, for your approval.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in and the bond approved.

Also, the following report :

INDIANAPOLIS, February 7, 1876.

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

Gentlemen :—The following contracts and bonds have expired, and the work under the same not yet commenced :

Contract and bond of English & Smith, for grading and graveling the east sidewalk on Kentucky avenue, from south side of Georgia street to South street.

Contract and bond of English & Smith, for grading and paving with brick the west sidewalk of West street from Merrill to McCarty street.

Contract and bond of J. W. Smith, for grading and paving the sidewalks on Liberty street, from Washington to Lockerbie street.

The latter contract and bond was extended 30 days, but this extension expired on the 3d instant.

The property owners along the line of the foregoing improvements expected the work to be done last fall, and they now object to having the work done at this time of the year.

I would therefore recommend that the above mentioned work be readvertised.

Respectfully submitted.

BERNHARD H. DIETZ,

City Civil Engineer.

Mr. Thalman moved that the contracts and bonds of the parties as set forth in the above report be forfeited, and the Civil Engineer instructed to readvertise for proposals for doing such work.

Which motion was adopted.

Mr. Thalman also moved that the City Clerk furnish the Committee on Contracts a list of the above named contractors, and such names to be placed in the black list.

Which motion was adopted.

The City Clerk submitted the following report :

INDIANAPOLIS, February 7, 1876.

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

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

| | |
|---|---------|
| Frederick Gansberg vs. Mary E. May for..... | \$48 72 |
| Frederick Gansberg vs. Zacariah P. Keller for | 34 80 |
| Frederick Gansberg vs. Henry C. Sailors for..... | 34 80 |
| John Schier vs. Bettie C. Huston for..... | 14 90 |
| John Schier vs. Bettie C. Huston for..... | 14 90 |
| John Schier vs. Bettie C. Huston for..... | 14 90 |
| John Schier vs. Bettie C. Huston for..... | 14 90 |
| John Schier vs. Bettie C. Huston for..... | 18 63 |

And respectfully recommend that you order the precepts to issue.

BENJ. C. WRIGHT,
City Clerk.

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

Affirmative—Councilmen Adams, Bollman, Buehrig, Craft, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Laughlin, Madden, Ransdell, Reasner, Reed, Schmidt, Thalman and Webster—19.

Negative—None.

The City Treasurer submitted the following report :

INDIANAPOLIS, February 7, 1876.

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

Gentlemen :—I have the honor to report the collection of \$377.00 on account of benefits since date of my last report.

Respectfully submitted,
HENRY W. TUTEWILER,
City Treasurer.

Which was received.

Also, the following monthly statement :

REPORT showing the receipts and disbursements of the City Treasury of the city of Indianapolis for the month of January, 1876 :

RECEIPTS.

| | |
|--|-------------|
| Balance on hand January 1st, 1876..... | \$34,218 33 |
| From taxes collected..... | 33,617 17 |
| From other sources, licenses, etc..... | 2,117 31 |
| | <hr/> |
| Total..... | \$69,952 81 |

DISBURSEMENTS.

| | |
|---|-------------|
| Assisting City Assessor..... | \$74 49 |
| Assisting City Civil Engineer..... | 297 51 |
| Assisting City Marshal..... | 20 43 |
| Bridges..... | 68 99 |
| Costs..... | 70 19 |
| Cisterns..... | 854 15 |
| Elections..... | 20 78 |
| Fire Department..... | 6,827 43 |
| Hospital..... | 922 40 |
| Ice..... | 35 62 |
| Incidental..... | 149 90 |
| Interest on bonds..... | 45,636 50 |
| Lamp lighting..... | 331 74 |
| Markets..... | 150 16 |
| Office fixtures..... | 43 18 |
| Police..... | 4,092 18 |
| Printing..... | 192 24 |
| Salary..... | 1,259 95 |
| Street improvement..... | 926 92 |
| Station House..... | 86 14 |
| Sewers..... | 1,922 30 |
| Street repairs..... | 3,986 12 |
| Tax refunded..... | 23 27 |
| Transfers..... | 65 50 |
| Tomlinson estate..... | 54 85 |
| Balance on hand February 1st, 1876..... | 1,789 87 |
| | <hr/> |
| Total..... | \$69,952 81 |

The city at the close of this report was indebted to—

| | |
|---------------------|-------------|
| School Fund..... | \$14,500 00 |
| Sinking Fund | 2,348 35 |
| Interest Fund | 6,575 38 |
| | \$23,423 73 |

All orders redeemed were received in payment of taxes, except in case of Interest on bonds.

HENRY W. TUTEWILER,
City Treasurer.

INDIANAPOLIS, February 7th, 1876.
To BENJ. C. WRIGHT, City Clerk.

Which was referred to the Committee on Finance.

The Board of Health submitted the following report :

INDIANAPOLIS, January 31, 1876.

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

Report of deaths in the City of Indianapolis from 6 o'clock P. M., on the 29th day of January, to 6 o'clock P. M. on the 5th day of February, 1876.

| | |
|-------------------|----|
| Under 1 year..... | 6 |
| 1 to 2 years..... | 2 |
| 2 to 3 " | 1 |
| 3 to 4 " | 0 |
| 4 to 5 " | 0 |
| 5 to 10 " | 0 |
| 10 to 20 " | 2 |
| 20 to 30 " | 3 |
| 30 to 40 " | 3 |
| 40 to 50 " | 3 |
| 50 to 60 " | 1 |
| 60 to 70 " | 0 |
| 70 to 80 " | 1 |
| 80 to 90 " | 1 |
| 90 to 100 " | 0 |
| Above 100 " | 0 |
| Unknown " | 0 |
| Total..... | 23 |

C. E. WRIGHT, M. D.,
President Board of Health.

A. STRATFORD, M. D.,
Secretary Board of Health.

Which was received.

By consent, Mr. Craft offered the following resolution :

Resolved, That Mrs. G. Alred, widow of the late Garrison W. Alred, City Sexton, be recognized as the successor of her late husband for the unexpired three months of his term.

Which was adopted by unanimous consent.

On motion, Mr. Darnell's absence was excused, on account of sickness in his family.

APPROPRIATION ORDINANCES.

Mr. Reed introduced appropriation ordinance No. 7, 1876, entitled :

An ordinance appropriating money on account of Station House for the month of January, 1876.

Which was read the first time.

Mr. Reasner introduced appropriation ordinance No. 8, 1876, entitled :

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

Which was read the first time.

Dr. Ward introduced appropriation ordinance No. 9, 1876, entitled :

An ordinance appropriating money on account of City Hospital and branch for month of January, 1876.

Which was read the first time.

Mr. McGill introduced appropriation ordinance No. 10, 1876, 1876, entitled :

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

Which was read the first time.

Appropriation ordinance No. 7, 1876, was read the second time and ordered engrossed.

Appropriation ordinance No. 8, 1876, was read the second time.

Mr. Gimber presented the following communication :

INDIANAPOLIS, February 7, 1876.

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

Gentlemen:—Your petitioner, Thomas Wren, would respectfully represent to your honorable body that on the 28th day of August, in the year 1865, he was awarded the contract of grading and graveling South Tennessee street, between Garden and McCarty streets. That he proceeded with all the dispatch possible, under the circumstances, to the completion of said work, the same having been delayed some months by reason of a writ of injunction, issued by order of the Marion Circuit Court, having been served upon the city of Indianapolis and your petitioner at the instance of the Rolling Mill Company.

That as soon as the same was dissolved, he completed the same to the approaches to the bridges, designed to span the branches of Pogues Run where the same is crossed by said street.

That for many months the city delayed from some cause, unknown to your petitioner, to put in said bridges, and thereby prevented your petitioner from completing his said work, and obtaining estimates for the same.

That when the flood of 1866 occurred, the work was in the condition above named. That the waters on that occasion washed away and destroyed work done by your petitioner on the said street to the amount of \$7,000.00, which, but for the delay of said city in putting in said bridges, he would have had completed and had his estimates therefor, and could and would have collected the same from the property holders abutting thereon. He further represents that for said work so washed away he has never received any compensation whatever.

He further represents that on the 15th of February, 1875, he presented a petition to your honorable body, asking that his said work be examined and that he be compensated for his said loss.

That said petition was referred to the Committee on Finance, two members of which, in connection with the City Attorney and City Civil Engineer, heard all of the facts in connection therewith. That on the evening of the 24th of January, 1876, said Committee, after delaying your petitioner many months, reported to your honorable body recommending that he be allowed the sum of \$506.61, on condition that he relinquish all further claims against the city on account of his said loss.

Your petitioner begs leave to say that said report does him great injustice in this, to-wit: No part of said \$506.61, recommended to be paid him, was to compensate for any loss sustained by him, but was for money actually received by the city from property owners, and at the time retained by her under a stipulation in the contract that a certain per cent. should be retained by the city until all laborers performing work on said street should receive their pay therefor,

That all of said laborers were long ago paid by your petitioner, and the city, after having had the use of his money for nine years, now simply recommend the payment of the sum in her treasury actually due him, without interest, and coupled with a condition that if he accepts the same it is to be in full discharge for all claims for damages, etc.

He further ventures to suggest that said report was prejudicial to his rights in not stating the facts of the case to this honorable body, so as to give all the members thereof an opportunity to judge of the justness and legality of his claim.

Your petitioner represents that he is advised that the said Committee expressed themselves as being perfectly satisfied of the justness of his claim and of the truthfulness of the witnesses who testified in support thereof, but doubted the legal obligation of the city to pay the same. That thereupon he asked to be heard, by counsel, upon the legal questions involved, either before the Committee or your honorable body, which leave was refused.

He further represents that he is advised by counsel that his claim is not only a just one but that there is a legal obligation resting on the city to pay the same.

Your petitioner further represents that he is indebted to the city for taxes in the sum of \$400.88, a large majority of which has been delinquent for years, and which he has been all along unable and is still unable to pay.

Wherefore, your petitioner respectfully asks—

1. That interest be added to said sum of \$506.61, and that the same, after deducting his said city taxes, be paid him without reference to his claim for damages; that is to say, that so much of said report as requires him to abandon his claim for damages in case he accepts said sum of money so found standing to his credit, be reconsidered and not concurred in.

2. That as to his said claim for damages, that said Finance Committee or such other Committee as your honorable body will direct, be instructed to report all the material facts in connection therewith to your honorable body, and that thereupon he be allowed to submit a printed brief in support of the legality of his said claim.

After you shall have been advised as a body of the facts upon which your petitioner's claim is based, and shall have read the argument of his counsel, he will be satisfied with your decision, be it what it may.

Respectfully submitted,

THOMAS WREN.

D. V. BURNS, Attorney for Petitioner.

Mr. Gimber moved that the communication be referred to the Committee on Judiciary and City Attorney, and that the amount inserted in the appropriation be stricken therefrom.

Which motion was adopted.

Dr. Stratford moved to strike out the claim of \$15.00, in favor of the City Clerk, for making transcripts.

Mr. Gimber moved as a substitute to refer to the City Attorney.

On motion by Mr. Geiger, the above motion and substitute was laid upon the table.

The ordinance was then ordered engrossed.

Appropriation ordinance No. 9, 1876, was read the second time and ordered engrossed.

Appropriation ordinance No. 10, 1876, was read the second time and ordered engrossed.

Appropriation ordinance No. 7, 1876, was read the third time and passed by the following vote:

Affirmative—Councilmen Adams, Albershardt, Bollman, Buehrig, Craft, Curran, Diffley, Geiger, Gimber, Hall, Hook, Kahn, Laughlin,

Madden, McGill, Ransdell, Reasner, Reed, Schmidt, Stratford, Thalman, Ward and Webster—23.

Negative—None.

Appropriation ordinance No. 8, 1876, was read the third time and passed by the following vote :

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

Negative—None.

Appropriation ordinance No. 9, 1876, was read the third time and passed by the following vote :

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

Negative—None.

Appropriation ordinance No. 10, 1876, was read the third time and passed by the following vote :

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

Negative—None.

By consent, Dr. Ward submitted the following report :

REPORT SUPERINTENDENT CITY HOSPITAL.

INDIANAPOLIS, February 7, 1876,

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

Gentlemen :—I herewith submit the following report for the City Hospital and Branch for the month ending January 31st, 1876, to wit :

| | |
|---|------------|
| Number of patents per last report..... | 87 |
| Number of patients admitted during the month..... | 70 |
| Number of births during the month..... | 5 |
| Number of patients discharged during the month..... | 63 |
| Number of deaths during the month..... | 7 |
| Number of patients in Hospital February 1st..... | 89 |
| Number of patients in Branch..... | 4 |
| Number of days for which subsistence was furnished..... | 3,185 |
| Total expenses | \$1,934.62 |
| Average expenses per capita per diem | .60 |

Respectfully, submitted.

WM. B. McDONALD,

Superintendent.

Which was received.

REPORT CITY DISPENSARY.

INDIANAPOLIS, February 7, 1876.

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

Gentlemen :—We submit the following report of the City Dispensary for the month of January, 1876 :

| | |
|--|-----|
| No. of visits north of Washington street | 181 |
| No. of visits south of Washington street..... | 205 |
| No. of visits to the County Jail..... | 31 |
| No. of visits to the Station House..... | 18 |
| No. of visits to small-pox cases..... | 5 |
| Total visits..... | 440 |

| | |
|--|------|
| No of patients prescribed for at the Dispensary..... | 424 |
| No. of prescriptions filled for the Jail..... | 120 |
| Whole number of prescriptions filled | 1015 |
| No. of cases of Eye and Ear disease treated..... | 39 |
| No. of Births..... | 3 |
| No. of Deaths..... | 7 |

Respectfully submitted,

JNO. A. GALE, M. D.

Resident Physician

HARRY D. MARTIN,

Dispensary Clerk.

Which was received.

On motion by Mr. Geiger, the Council adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.