

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Thursday, October 12th, 1876—7½ o'clock P. M.

The Common Council met, pursuant to adjournment:

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

Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Diffeley, Kenzel, Laughlin, McGill, McGinty, Pouder, Reasener, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Absent—Councilmen Darnell, Izor, Morse, Ransdell and Reed
—5.

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

Indianapolis, October 12, 1876.

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

Gentlemen.—Your Committee on Contracts, to which was referred the proposals submitted to Council October 2, 1876, for grading and graveling the first alley east of East street, running north and south from McCarty street to the first alley north of Buchanan street, have examined the same and find them to be as follows, to-wit :

Michael Foust, $17\frac{1}{2}$ cents per front foot on each side where the alley is 15 feet wide.

Michael Foust, 28 cents per front foot on each side where the alley is 20 feet wide.

Richard Carr, 18 cents per front foot on each side where the alley is 15 feet wide.

Richard Carr, 24 cents per front foot on each side where the alley is 20 feet wide.

John Flaherty, $15\frac{1}{2}$ cents per front foot on each side where the alley is 15 feet wide.

John Flaherty, 24 cents per front foot on each side where the alley is 20 feet wide.

August Verhofstad, 17 cents per front foot on each side where the alley is 15 feet wide.

August Verhofstad, 22 cents per front foot on each side where the alley is 20 feet wide.

James Mahoney, 17 cents per front foot on each side where the alley is 15 feet wide.

James Mahoney, 22 cents per front foot on each side where the alley is 15 feet wide.

John Greene, 18 cents per front foot on each side where the alley is 15 feet wide.

John Greene, 21 cents per front foot on each side where the alley is 20 feet wide.

Wm. Neal, 20 cents per front foot on each side where the alley is 15 feet wide.

Wm. Neal, 23 cents per front foot on each side where the alley is 20 feet wide.

J. G. Sickler & Co., 15 cents per front foot on each side where the alley is 15 feet wide.

J. G. Sickler & Co., 21 cents per front foot on each side where the alley is 20 feet wide.

Joseph Bernauer, 13 cents per lineal foot front on each side.

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

Respectfully submitted,

J. W. BUGBEE,

D. M. RANSELL,

Committee on Contracts.

Which was concurred in and the contract awarded.

Mr. Thalman presented the contract and bond of Joseph Bernauer for grading and graveling the first alley east of East street, running north and south from McCarty street to the first alley north of Buchanan street.

Which was concurred in, and bond approved.

By consent, the following papers were presented.

Mr. Craft offered the following motion :

Moved, That Barnhard & Scheller be, and are hereby granted permission to move a frame house from 213 North Pennsylvania street west on Vermont to Mississippi, south on Mississippi street to the corner of Wabash alley and Mississippi street.

Which was adopted.

The Mayor presented the following communication :

Indianapolis, October 12, 1876.

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

Gentlemen :—The undersigned represents that he is the reversioner, and that Rebecca M. Sweetser has the life estate in 65 feet off the north side of Lot 5 in St. Clair's addition to the city of Indianapolis; that neither of their names appear in the citation for owners of property to appear before the Commissioners authorized to assess damages and benefits in the opening of Second street; that neither of them were notified to appear at any time before said Commissioners; that said lot does not border upon said Second street; that said Commissioners return as benefits to said lot an assessment for the sum of \$150; all of which fully appears from the original writ and return thereto, now on file in the office of the City Clerk; that said wrongful assessment is a cloud upon the title, which your petitioner prays may be removed by proper resolution or proceeding of your honorable body.

Respectfully submitted,

JAMES N. SWEETSER

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

Mr. Thomas presented the following communication :

Indianapolis, October 12, 1876.

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

Gentlemen :—Mr. Hennessey hereby petitions your honorable body that he may vend and sell his Furniture Polish and Varnish in the city of Indianapolis without a license, for the reason that he has been sick, and has had a hard time to contend with. R. Hennessey is an honest man, his reputation is good; he has been employed at the Grand Hotel, and is an old inhabitant of this city. By so doing you will greatly oblige me.

I remain yours respectfully,

R. HENNESSEY.

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

Mr. McGill presented the following communication :

Indianapolis, October 9, 1876.

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

Gentlemen:—We, the undersigned, enter our protest against the appropriation of any money to help build the Belt Railroad and Stock Yards, and wish our names withdrawn from said petition.

James W. Dixon, William F. Burns, Ann Burns,
Hannah Carr, Mary Logan—South Missouri
street.

Which was received.

Mr. McGill moved to adjourn.

Which motion was not adopted.

ROLL CALL.

Mr. Bugbee presented the following communication:

Indianapolis, October 12, 1876.

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

Gentlemen:—Your petitioner, for and on behalf of the Citizens Street Railway Company, respectfully states that he finds it necessary to have a turntable in Pennsylvania street, near the junction with Tinker street, and begs that he place the same under the supervision and direction of the City Civil Engineer.

A. K. SHEPARD,
President Citizens Street Railway.
per J.

Which was referred to the Committee on Streets and Alleys, and City Civil Engineer.

Also, the following motion:

Moved, That Mr. Fred. Gøpper be, and is, hereby permitted to grade and gravel the sidewalk in front of his property on Second street, between Pennsylvania and Meridian streets; said work to be done at his own expense. The City Civil Engineer is hereby instructed to set the proper grade stakes

and take necessary steps to give the water a sufficient outlet at that point, into the sewer.

Which was adopted.

Also, the following report :

Indianapolis, October 12, 1876.

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

Gentlemen :—Your committee, to whom was referred the communication of George W. Seibert, asking to be released from his bid for improving Japan or East street, would report that we have investigated the matter, and would recommend that said Seibert be allowed the privilege of withdrawing his bid, as the property owners upon a part of the line of said street have determined to litigate the right of the city to improve the said street, as there is some question as to whether the property upon the line of a part of the street is in the city.

Respectfully submitted,

J. W. BUGBEE,
D. M. RANDELL,
Committee on Contracts.
R. O. HAWKINS,
City Attorney.

Dr. Stratford moved to lay the report on the table.

Which motion was not adopted.

The report was then concurred in.

Mr. Schmidt offered the following motion :

Moved, That the Street Commissioner fill up the chuck-holes on North Alabama street, between Washington and New York streets.

Which was referred to the Committee on Streets and Alleys.

Mr. Poudier offered the following motion :

Moved, That the City Marshal be instructed to cause to be removed the

telegraph poles on Court street, between Alabama and East streets, as they are placed in the gutter and are a damage to the street.

Which was referred to the Fire Board.

REPORTS FROM COMMITTEES.

Mr. Thalman, from Committee on Streets and Alleys, submitted the following report :

Indianapolis, October 12, 1876.

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

Gentlemen :—Your Committee on Streets and Alleys, to whom was referred an ordinance and remonstrance relating to the improvement of the first alley east of Bellefontaine street, between Home avenue and first alley north of Christian avenue, respectfully report that the alley needs improvement badly. We therefore recommend the ordinance be passed, and herewith return the same.

Respectfully submitted,

ISAAC THALMAN,

W. F. REAESNER,

Committee on Streets and Alleys.

Which was concurred in.

ORDINANCES ON SECOND READING.

Mr. Laughlin moved to take up the Stock Yard and Belt Railroad ordinance.

Which was adopted.

General ordinance No. 51, 1876, entitled :

An ordinance providing for the issuing of certain bonds in aid of the Union Railroad Transfer and Stock Yards Company, and prescribing the condition upon which such bonds are issued and delivered.

Was read the second time.

The report of the Committee on Judiciary on that subject, made to the Council October 2nd, 1875, page 760, was taken up and re-read.

Mr. Thomas presented the following communication :

Indianapolis, October 9, 1876.

W. B. McKeen, President Union Railroad Transfer and Stock Yard Company :

Sir :—The following estimate of the cost of constructing and equipping the Union Railroad Transfer and Stock Yard, is most respectfully submitted :

The estimate is of the cost deemed necessary to place the roads and yards in working condition necessary for present wants. But for the probable increase of business, from time to time, will require a much larger expenditure

As the final location has not been made, the cost of construction may vary slightly from the estimate. I am, however, confident that the estimate will cover the cost on any of the seven lines that I have surveyed, the amount of work on the different lines varying but little.

ESTIMATE.

Right of way and grading for main track and connections with other roads.	\$156,000 00
Bridges and trestles, including foundations and masonry.....	82,000 00
Steel rails.....	114,000 00
Joints, spikes, ties and labor.. ..	46,000 00
Switches, frogs, and crossings.	10,000 00
Water stations and other buildings.....	8,000 00
	<hr/>
	\$416,000 00
Engineering and contingencies, ten per cent.....	41,600 00
Stock Yard, including land and improvements.....	200,000 00
Locomotives.....	50,000 00
	<hr/>
Total.....	\$707,600 00

Very respectfully,

R. L. REED,

Chief Engineer.

Which was received.

Also, the following communication :

Indianapolis, October 9, 1876.

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

Gentlemen:—We the undersigned, Directors of the Union Railroad Transfer and Stock Yard Company, hereby agree and pledge ourselves that in the event you pass the ordinance to aid in the construction of the Union Railroad and Stock Yards, that we will employ, for the building of the road and improvement of the yards, none except resident citizens of your city, when such can be had at customary rates for like work.

W. R. McKEEN,
JOHN THOMAS,
W. C. HOLMES,
HORACE SCOTT,
M. A. DOWNING,
E. F. CLAYPOOL,
JAS. C. FERGUSON,
W. N. JACKSON,
Board of Directors.

Which was received.

Dr. Stratford offered the following motion :

Moved, To refer the ordinance back to the Judiciary Committee and the City Attorney, Hon. B. K. Elliott and Hon. Cas. Byfield, to carefully prepare an ordinance guarding the city's interests, and embracing all amendments adopted by this Council, and report next Monday night.

Mr. Buehrig moved to lay the above motion on the table.

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

Affirmative—Councilmen Adams, Buehrig, Byram, Case, Craft, Diffley, Kenzel, McGinty, Pouder, Schmidt, Steinhauer, Thalman, Webster, Wright, Arthur L., and Wright, William G.—15.

Negative—Councilmen Bugbee, Laughlin, McGill, Reasener and Stratford—5.

Mr. McGill moved to postpone until next Monday night

Which motion was laid on the table.

Mr. Byram moved that the ordinance be read by sections for amendments, etc.

Which motion was adopted.

Section one was read.

Mr. Byram offered the following amendment:

Section one, 18th line, after the words, "with interest at the rate of," strike out "seven" and insert "six."

Which was adopted.

Also, the following amendment:

Section one, 28th line, strike out the words "John Caven" and insert "a Board of Trustees, consisting of the Mayor and two Councilmen, the latter to be elected by said Common Council," and in line 28 strike out the word "him" and insert "them."

Which was adopted.

Dr. Stratford offered the following amendment:

Provided, That each and every stockholder enters into an agreement with the city binding themselves, their heirs and assigns, to make good any losses to the city in consequence of the said city eventually being compelled to pay all or any part of the said bonds, or the interest thereon.

Which was laid on the table by the following vote:

Affirmative—Councilmen Adams, Buehrig, Bugbee, Case, Craft, Diffley, Kenzel, McGinty, Poudet, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur. L., and Wright, William G.

Negative—Councilmen Byram, Laughlin, Reasener and Stratford—4.

Section two was read.

Mr. Adams moved to insert and adopt the first amendment contained in the report of the Committee on Judiciary, after the word "company," line 20, which reads as follows: "And after the said trustees shall have certified to the Common Council that a sum equal to six hundred thousand dollars has been expended by said company in the construction and equipment of said railroad and stock yards, and that the work has been done in a good and workmanlike manner."

Mr. Thalman offered the following amendment to the above amendment:

After the words, "and equipment of said railroad," insert, "exclusive of the cost of lands purchased for stock yards"

Which amendment was adopted.

The above amendment, as amended, was then adopted.

Mr. Byram offered the following amendment:

Section 2, line 22, strike out the words, "and fifty."

Which was adopted.

Also, the following amendment:

Section 2, line 29, after the word "respectively," strike out the words, "at the treasury," and insert, "principal and interest payable at the First National Bank."

Which was adopted.

Also, the following amendment:

Section 2, line 29, after the words, "of the said city," insert, "in current funds, with current rate of exchange on New York City."

Which was adopted.

Mr. Adams moved to insert and adopt the amendment contained in the report of the Committee on Judiciary, after the word "belonging," line 38, which amendment reads as follows: "The title to said road-bed, rolling stock, and stock yard lands to be clear and unincumbered."

Which was adopted.

Mr. Byram offered the following amendment:

Section 2, line 56, after the words, "for a period of," strike out "six months," and insert "sixty days."

Which was adopted.

Also, the following amendment:

Section 2, line 72, strike out the word "fifty" and insert "one hundred."

Which was adopted.

Section three was read.

Mr. Byram offered the following amendment:

Section 3, line 6, after the word "elect," strike out the word "one," and insert "two."

Which was adopted.

Mr. Adams moved to insert and adopt, as section four, the amendment offered in the report of the Committee on Judiciary, which reads as follows: "And the said Union Railroad Transfer and Stock Yard Company shall extend to all persons doing busi-

ness on or along the line of said railroad full facilities to connect switches with said road, and shall carry and transport freight to and from such switches at the same rates per car as charged by said company for transporting through freight of a like class and character over said road."

Mr. Adams moved to amend the amendment by striking out the words "the same," and by inserting after the words "rates per car," "not exceeding that."

Which amendment was adopted.

The amendment, as amended, was then adopted.

Dr. Stratford offered the following motion :

Moved, To refer the ordinance to the Committee on Revision of Ordinances, together with the City Attorney, Hon. B. K. Elliott, and ——— with instructions to prepare an ordinance carefully guarding the city's interests, and report next Monday night.

Which, on motion by Mr. Buehrig, was laid on the table by the following vote :

Affirmative—Councilmen Adams, Buehrig, Diffley, Kenzel, McGinty, Pouders, Schmidt, Steinhauer, Webster, Wright, Arthur L., and Wright, William G.—11.

Negative—Councilmen Bugbee, Byram, Case, Craft, Laughlin, Reasener, Stratford and Thalman—8.

Mr. Adams moved that the ordinance as amended be referred to the Committee on Judiciary, Mayor and City Attorney for examination, and that the ordinance be made the special order for next Monday night.

Mr. Thalman moved to amend Mr. Adams' motion by empowering the City Attorney to employ legal aid if necessary.

Which amendment was accepted by Mr. Adams.

Mr. Adams' motion was then adopted.

On motion, the Council adjourned.

J. Loren Mayor.

Attest :

Benj. Wright City Clerk.