

PROCEEDINGS
OF THE
COMMON COUNCIL.
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, October 16th, 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, Buehrig, Bugbee, Byram, Case, Craft, Difle, Izor, Kenzel, Laughlin, Morse, McGill, McGinty, Poudet, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Therman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—25.

Absent—Councilman Darnell—1.

The proceedings of the regular session, held October 9th, 1876, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, October 16, 1876.

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

Gentlemen :—I was directed to establish the grade and the west line of south Illinois street, between Kansas and Wisconsin streets, and stake the same. I have established the grade and set the stakes, but am unable to establish the line from the fact of there being some discrepancy between the street as it is and the recorded plat, and I would recommend that the matter be referred to the proper committee for investigation.

SECOND.

I would report that Ray street is being graded and graveled, and there is no provision made for abutments at the crossing of Pogues' Run, which are necessary before the improvement of the street can be completed. I would recommend that the Council order the work done as soon as possible.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

The first clause was referred to the Committee on Streets and Alleys.

The second clause was concurred in.

Also, the following report :

Indianapolis, October 16, 1876.

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

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

A first and final estimate allowed John Greene for grading and graveeling St. Clair street and sidewalks, from the west side of Dorman street to Archer street—

1,030 lineal feet at 73 cents.....	\$751 90
20 cubic yards gravel at Dorman and St. Clair streets at 75 cents	15 00
Total.....	<u>\$766 90</u>

Also, a first and final estimate allowed James Mahoney for grading and graveling the first alley west of Mississippi street, from Market street to its northern terminus—

390 lineal feet at 10 cents.	\$39 00
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Respectfully submitted,
 BERNHARD H. DIETZ,
 City Civil Engineer.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed John Greene for grading and graveling St. Clair street and sidewalks, from the west side of Dorman street to Archer 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 Bugbee, Case, Diffley, Izor, Kenzel, Laughlin, Morse, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed Jas. Mahoney for grading and graveling the first alley west of Mississippi street, from Market street to its northern terminus, 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 Bugbee, Case, Diffley, Izor, Kenzel, Laughlin, Morse, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

Also, the following report :

Indianapolis, October 16, 1876.

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

Gentlemen :—I herewith report the following contracts and bonds for your approval :

Contract and bond of John F. Brademeier for grading and graveling the first alley north of North street, between Massachusetts avenue and Liberty street.

Contract and bond of John F. Brademeier for grading and graveling the alley running north and south through square No. 87, between Meridian and Illinois streets, from Georgia street to the south end of said alley.

Respectfully submitted,

BERNHARD H. DIETZ,
City Civil Engineer.

Which was received, contracts concurred in, and bonds approved.

The City Clerk submitted the following report :

Indianapolis, October 16, 1876.

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

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

Samuel P. Strong vs. Indiana State Board of Agriculture for \$458 '92

And respectfully recommend that you order the precept to issue.

Respectfully submitted,

BENJ. C. WRIGHT,
City Clerk.

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

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Diffley, Izor, Kenzel, Laughlin, Morse, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

Negative—None.

The City Attorney submitted the following report :

Indianapolis, October 16, 1876.

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

Gentlemen :—In the matter of the petition of B. Coffin and W. F. Piel & Co. asking to be relieved from a certain judgment against them, I would report that I have investigated the matter and find that on the 22d day of November, 1875, the Council ordered the Street Commission to fill up between the tracks of the switch on Dakota street, the owners having been notified, and the records of the Street Commissioner show that notice was served, but does not show upon whom it was served. The Street Commissioner presented a bill for \$127.55 for the work, and my predecessor instituted suit before a Justice of the Peace against Mr. Coffin, and obtained judgment for the amount. The switch upon Dakota street was built by Coffin, and the city granted him the right to build it upon said street. As to whether the repairing was necessary or not, I, of course, am not able to say. The judgment as it now stands is in favor of the city. The Council would have the right to relieve the parties if they so desire, but I am of the opinion that there is no legal liability resting upon the city in the matter. I would therefore recommend that the petition be referred to the Committee on Streets and Alleys to investigate the matter, and make such recommendations in the premises as they deem just.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Also, the following report :

3 to 4 years.....	0
4 to 5 "	0
5 to 10 "	1
10 to 20 "	2
20 to 30 "	4
30 to 40 "	2
40 to 50 "	0
50 to 60 "	0
60 to 70 "	1
70 to 80 "	2
80 to 90 "	1
90 to 100 "	0
Above 100 "	0
Unknown	3
Total.....	<hr/> 36

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

Also, the following report :

Indianapolis, October 16, 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 7th day of October, to 6 o'clock P. M., on the 14th day of October, 1876.

Under 1 year	11
1 to 2 years.....	2
2 to 3 "	2
3 to 4 "	1
4 to 5 "	2
5 to 10 "	0
10 to 20 "	2
20 to 30 "	5
30 to 40 "	3
40 to 50 "	2
50 to 60 "	2
60 to 70 "	2

70 to 80 years.	1
80 to 90 "	1
90 to 100 "	0
Above 100 "	0
Unknown	0
Total	36

Respectfully submitted,

F. M. HOOK, M. D.,

President Board of Health.

J. W. MARSEE,

Secretary Board of Health, pro tem.

Which was received.

INTRODUCTION OF ORDINANCES.

Mr. Bugbee introduced special ordinance No. 118, 1876, entitled :

An ordinance to provide for grading and graveling the alley between College avenue and Broadway street, running from Home avenue to Lincoln avenue.

Which was read the first time.

Also, the following petition :

Indianapolis, September 30, 1876.

To the Common Council of the City of Indianapolis :

Gentlemen :—The undersigned, owners of the real estate fronting on the first alley east of Alvord street, between Malott and Home avenues, respectfully petition for the passage of an ordinance providing for the grading and graveling, with good river or creek gravel, of the above described alley.

And your petitioners will ever pray, etc.

Mary Dickerson & Co., 160 feet; Bartholomew Brooks, 40 feet; Mercy Murry, 200 feet; S. K. Fletcher, 20 feet; C. G. Erwin, 40 feet; John A. Weber, 49 feet; Lucy Hilard, 40 feet; B. A. Richardson, 40 feet; Fred Weber, 40 feet; William Nichols, 40 feet,

Which was received.

Also, special ordinance No. 119, 1876, entitled :

An ordinance to provide for grading and graveling with good river or creek gravel, the first alley east of Alvord street, between Home and Malott avenues.

Which was read the first time.

Mr. Thalman presented the contract and bond of Wm. Morrison for grading and graveling the west half of the first alley north of Home avenue, between Delaware and Alabama streets, which had been referred to the Committee on Streets and Alleys, and moved that the same be approved.

Which motion was adopted.

Mr. Craft presented the claim of B. F. Goodrich & Co. for 2,000 feet of hose.

Which was referred to the Committee on Accounts and Claims.

Mr. Schmidt offered the following motion :

Moved, That R. M. Riner be, and he is, hereby granted permission to make connection with the Railroad street sewer, at the corner of Vermont street, and for the purpose of draining waste water and for surface drainage.

Which was adopted.

Mr. McGinty offered the following motion :

Moved, That D. Musseman be granted permission to establish a pair of scales at his business place, No. 544 South Meridian street.

Which was referred to the Committee on Streets and Alleys.

Mr. Webster offered the following motion :

Moved, That Jerry Brown have permission to pave the sidewalk in front of his property on Walnut street, between Alabama and New Jersey streets, according to stakes set by the City Civil Engineer. The work to be done within thirty days.

Which was adopted.

Dr. Stratford presented a claim in favor of F. Whitford & Son, and C. M. Wright on account of the South Park.

Which was referred to the Committee on Accounts and Claims.

SPECIAL ORDER.

Mr. Adams, from Committee on Judiciary, submitted the following report :

Indianapolis, October 16, 1876.

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

Gentlemen:—Your committee, to whom was referred the ordinance in aid of the Union Railroad Transfer and Stock Yard Company, would report that we have examined the ordinance and would recommend that instead of the amendment offered by Mr. Thalman requiring the said company to expend a certain amount exclusive of the cost of the Stock Yard lands, the ordinance be amended so as to read that the Stock Yard lands shall be estimated at the bona fide purchase price and value, and we would also recommend that the ordinance be amended so as to require the bonds of the said company to be made payable at the banking house of Winslow, Lanier & Co., in the city of New York, and that five instead of six be inserted in line 18 of section 2, of the ordinance. This would require the company to have expended \$500,000 before they should be entitled to receive \$400,000 of the city bonds, and we would recommend that section 2 be amended by inserting at line 76 the following: "And the said Board of Trustees shall have certified to the Common Council that a sum equal to six hundred and fifty thousand dollars has been actually expended by said company in the construction and equipment of said railroad and stock yard, estimateing the stock yard lands at their bona fide purchase price and value." This would require the expenditure of six hundred and fifty thousand dollars in all before the whole of the five hundred thousand dollars of the city bonds would be delivered to the com

pany. We have prepared an ordinance embodying the amendments herein suggested, and those offered at the last meeting of Council.

Respectfully submitted,

J. C. ADAMS.

J. J. DIFFLEY,

D. M. RANSELL.

Committee on Judiciary.

JOHN CAVEN,

Mayor.

R. O. HAWKINS,

City Attorney.

Which was concurred in by the following vote :

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Diffley, Izor, Kenzel, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Thomas, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—Councilmen Laughlin, Morse, McGill, Stratford and Thalman—5.

Mr. Adams submitted general ordinance No. 51, 1876, entitled

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

Which was placed on the files as a substitute to the former ordinance.

On motion by Mr. Byram the ordinance was taken up and read by sections.

Mr. McGill offered the following amendment to section one :

Provided, That before any of the said city bonds shall be issued, such guarantees shall be given as will be approved by a recorded vote of the City Council that the railroads entering Indianapolis will use said proposed Belt

Railroad for through freight purposes, and will abandon the use of their tracks within the city for the transportation of all through freight cars.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Diffley, Laughlin, Morse, McGill, Ransdell, Reasener, Stratford, Thalman, and Wright, William G.—9.

Negative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Izor, Kenzel, McGinty, Pouder, Reed, Schmidt, Webster and Wright, Arthur L.—14.

Mr. Thomas was excused from voting upon the ordinance and amendments.

Mr. Adams moved to amend section 2, line 32, by striking out after the word "payable," the words, "at the banking house of Winslow, Lanier & Co., in the city of New York," and insert in lieu thereof the words "at the First National Bank, in the city of Indianapolis."

Which amendment was not adopted.

Mr. Thalman moved to amend section two by inserting the following clause: "Exclusive of the cost, or estimated cost, of the Stock Yard lands."

Which amendment failed to pass by the following vote :

Affirmative—Councilmen Laughlin, Morse, McGill, Reasener and Thalman—5.

Negative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Diffley, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Webster, Wright, Arthur L., and Wright, William G.—19.

Mr. Adams moved to amend section 2, line 22, by inserting after the word "value" the following clause: "which value shall be determined by said Trustees."

Which amendment was adopted.

Mr. Thalman moved that the ordinance be referred to the City Civil Engineer with instructions to make an estimate of the cost of such road, etc.

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, Bugbee, Byram, Case, Craft, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Steinhauer, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—Councilmen Diffley, Laughlin, Morse, McGill, Reasener, Stratford and Thalman—7.

Dr. Stratford offered the following motion:

Moved, That action on the ordinance be postponed until Friday night of this week, and that the City Civil Engineer be directed to make an estimate of the cost of the construction and equipment of the road as contemplated, and present specifications for the compliance with the ordinance at the next meeting of the Council.

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

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Steinhauer, Webster, Wright, Arthur L., and dWright, William G.—16.

Negative—Councilmen Diffley, Laughlin, Morse, McGill, Reasener, Stratford and Thalman—7.

On motion, by Mr. A. L. Wright, the ordinance was ordered engrossed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Case, Craft, Diffley, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Steinhauer, Stratford, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—Councilmen Byram, Laughlin, Morse, McGill, Reasener and Thalman—6.

General ordinance No. 51, 1876, entitled :

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

Was read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Case, Craft, Diffley, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Webster, Wright, Arthur L., and Wright, William G.—18.

Negative—Councilmen Byram, Laughlin, Morse, McGill, Reasener and Thalman—6.

By consent, Mr. Adams offered the following motion :

Moved, That Wm. L. White be and is hereby granted thirty days additional time in which to complete his contracts for the construction of a fire cistern at the corner of Orange and Laurel streets.

Which was adopted.

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COMMON COUNCIL.

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On motion, the Council adjourned.

 J. Learen Mayor.

Attest :

 Benj. Wright City Clerk.