

PROCEEDINGS
OF THE
COMMON COUNCIL.
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, November 27th, 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, Darnell, Diffley, Izor, Laughlin, Morse, McGill, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Webster, Wright, Arthur L., and Wright, William G.—23.

Absent—Councilmen Craft, Kenzel and Thomas—3.

The proceedings of the regular session, held November 20th, 1876, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, November 27, 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 L. Hanna for grading and graveling the first alley north of Christian avenue, running from College avenue to Ash street—

560 lineal feet at 12½ cents..... \$70 00

Also, a first and partial estimate allowed Koss & Fritz for building and repairing stone abutments on Pogues Run at Ray street—

180 cubic yards wet excavation at 45 cents	\$81 00
54 cubic yards of dry excavation at 20 cents.	10 80
100 cubic yards of masonry at \$4.49	449 00
7,000 feet timber at \$1.75 per 100 feet	122 50
12 feet cement pipe at \$1.00 per foot	12 00
Total	<u>\$675 30</u>

Also, a first and final estimate allowed John S Brademeier for grading and graveling the alley running north and south through square 87, between Meridian and Illinois streets, from Georgia street to the south end of said alley—

601.4 lineal feet at 11 cents..... \$66 15

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 L. Hanna for grading and graveling the first alley north of Chirtian avenue, running from College avenue to Ash 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, Bugbee, Byram, Case, Darnell, Laughlin, Morse, McGill, McGinty, Reasener, Reed, Schmidt, Stratford, Thalman, Webster, and Wright, William G.—17.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed John F. Brade-meier for grading and graveling the alley running north and south through square 87, between Meridian and Illinois streets, from Georgia street to the south end of said alley, 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, Bugbee, Byram, Case, Darnell, Laughlin, Morse, McGill, McGinty, Reasener, Reed, Schmidt, Stratford, Thalman, Webster, and Wright, William G.—17.

Negative—None.

Also, the following report :

Indianapolis, November 27, 1876.

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

Gentlemen :—I would respectfully report that John W. Dodd & Co. have nearly completed their contract for improving the sidewalks and gutters on the north side of Michigan street, from the west line of the United States Arsenal grounds to the east line of Woodruff Place, but before reporting an estimate I would recommend that the present contractors be instructed to place a drainage pipe under Arsenal avenue, connecting the gutters improved so as to carry the water along Michigan street into the creek. This should

be done at once, and under direction of the City Civil Engineer. The cost will be about sixty dollars.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in.

Mr. Thalman offered the following motion :

Moved, That the City Civil Engineer be, and is, hereby directed to have a drainage pipe placed under Arsenal avenue, as referred to in his report.

Which was adopted.

The Mayor presented the following communication :

Indianapolis, November 27, 1876.

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

Gentlemen :—I, William Duncan, have worked on stone basement of Reel House on East Washington street, for John Mackinsie, who was Mr. Chamberlain's bondsman, for which I have a balance of twelve dollars and sixteen cents due me on said Reel House foundation.

WILLIAM DUNCAN.

Which was referred to the Fire Board.

Also, the following communication :

Indianapolis, November 25, 1876.

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

Gentlemen :—I have heard it often remarked, recently, that many men now in the city are out of employment, who desire to work at anything and at almost any price—even upon the prospective Belt Road. Such being the fact, and wishing to give such persons the necessary employment in order to banish want and starvation from their doors, is not this the proper time for us to build a new City Hall and Market House upon the East Market Space? Such an object can now be consummated for at least one-half the price of former times. Stone, brick, and other materials are now at least one hundred per cent. cheaper than they were in the spring, while the ratio of reduction in labor is fully one-half. Therefore is not this the time to employ diggers,

stone cutters, teamsters, brick masons, tenders, carpenters, workers, both in iron, plaster, and other necessary materials, suitable for the erection of such an edifice—not even forgetting Munson's Tubular Lightning Rod.

Gentlemen, you will never again have such an opportunity to secure such a cheap contract as now lies within your power. The old sheds now standing upon the East Market Space are a disgrace to the citizens, if not to the city of Indianapolis. Standing, as they now do, directly in the rear of one of the finest Court Houses in the United States, is it a wonder that an eastern gentleman, not long since, while inspecting our county's magnificent edifice, and looking out of one of the north windows, remarked to a citizen accompanying him, "Are not those old sheds where the stone has been dressed for your beautiful Court House?" The citizen, with a sense of shame, said nothing, but by his peculiar embarrassment led the gentleman to infer that there was something wrong upon our East Market Space.

Gentlemen, you can secure all the necessary means for the accomplishment of such a purpose in Boston at six per cent. interest on a twenty' years loan of the city's credit, based upon the Tomlinson bequest. At the expiration of twenty years you can pay the debt, and yet retain the Tomlinson estate—all from the rents secured from such a City Hall and Market House; and thereby let it not be said that your honorable body, as well as the Mayor and other officers, are not situated above saloons and dram shops.

Now is your time, or never, to commence such a building—a building to which we, like citizens of eastern cities, can point to with pride—saying that although our Court House excels the country in cheapness as well as attractive and durable style of architecture, yet our new Market House and City Hall is excelled by none, if equaled, by any in the land.

A. WALLACE,

A TAXPAYER.

Which was referred to the Committee on Public Buildings.

Mr. McGill presented the following petition:

Indianapolis, November 27, 1876.

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

Gentlemen:—Your petitioner would respectfully represent that West street, from Louisiana to Washington streets, is now nearly impassable for loaded teams, and that a large portion of the coal consumed in this city is hauled over that part of the street above referred to, and that a large number of loaded teams are daily compelled to travel said street. Your petitioner

would respectfully request that immediate steps be taken to put said street in good condition, either by putting on broken stone or screened gravel.

A. D. STREIGHT.

Which was referred to the Councilmen from the Fifth Ward.

ROLL CALL.

Mr. Bugbee offered the following motion :

Moved, That Thos. E. Hendley have permission to pave with brick the sidewalk in front of his property on Park avenue, between Tenth and Eleventh streets. Stakes to be set by the City Civil Engineer. Said work to be done within 90 days, and without expense to the city.

Which was adopted.

Mr. Darnell offered the following motion :

Moved, That the Street Commissioner be, and is, hereby ordered to fill up the chuck-holes at the east and west end of Fifth street, which lays between Illinois and Meridian streets.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be, and is, hereby ordered to clean the gutters on North Illinois street, from Tinker to Twelfth street, as the same causes the water to back up at Twelfth street, to the annoyance of the property holders.

Which was adopted.

Also, the following petition :

Indianapolis, November 27, 1876.

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

Gentlemen :—Your petitioner would respectfully represent that on the 14th day of February, 1876, he purchased, at the City Delinquent Tax Sale, lot No. thirty-one, (31) in Butler's North Addition to the City of Indianapolis ; said lot being sold, among others, by the City Treasurer, for the alleged non-payment of taxes for the years 1874 and 1875. Said sale was erroneous and

improper for the following reasons, to-wit: The amount of delinquent taxes charged to the said lot for the year 1874 was wrong, being in excess of the amount actually due; and this error having been discovered, and correction of the figures having been made on the duplicates by the City Clerk and Assessor, said sale was declared illegal, and the amount of taxes were duly paid into the treasury by the owners of said lot. And the amount paid by me for this certificate (herewith attached) being \$146.68, your petitioner respectfully asks and demands that the same be now refunded to him, with interest on same from day of sale.

And, as in duty bound, your petitioner will ever pray, etc.,

M. A. TOOHEY,

By his attorney in fact, J. H. McKernan.

Which was referred to the City Assessor and City Attorney.

Mr. Ransdell offered the following motion :

Moved, That the Street Commissioner be instructed to put down a flag stone crossing from the point at the northwest corner of Indiana avenue and the canal to the point at the intersection of Indiana avenue and Michigan street.

Which was referred to the Committee on Streets and Alleys.

Mr. Reed offered the following motion :

Moved, That James W. Hudson be, and is, hereby granted thirty days extension of time on his contract for bowldering and curbing the gutters on Ohio street, between Illinois and Tennessee streets.

Mr. Adams moved to amend the above motion by inserting, "Provided Mr. Hudson files a new bond."

Which amendment was accepted.

The motion, as amended, was then adopted.

Mr. Schmidt offered the following motion :

Moved, That the Street Commissioner is hereby directed to put the street in good condition in front of the Headquarters Fire Department as soon as possible.

Which was adopted.

Also, the following motion :

Moved, That Colonel Wheatley have the consent of this Council to place a sink in front of his property on East Ohio street, between East and New Jersey streets; to be done under the directions of the Civil Engineer.

Which was adopted.

Also, the following petition :

Indianapolis, November 27, 1876.

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

Gentlemen :—The undersigned would most respectfully call your attention to the following facts, viz :

Heretofore, to-wit, on the fifth day of June, 1876, Messrs. J. S. Hildebrand, R. H. Patterson, G. W. Hill, and William Mansur, in their capacity as commissioners duly appointed, as set forth in their report, to assess the benefits and damages in the opening and extending of Winston street from its northern terminus to St. Clair street, all of which is more fully described in the petition of Charles Lauer, and is hereby referred to, together with all the proceedings and doings of this Council in the premises, now on file in the office of the City Clerk, to which reference is here made, reported among other things, that by virtue of the extension of said street as aforesaid, they assessed to the undersigned the sum of seven hundred dollars as benefits, he being the owner in fee of lot number sixteen, out-lot forty-three, P. & I. R. R. Co.'s subdivision; and the said commissioners also find and recommend that the undersigned take the ground vacated by said straightening of said Winston street—all of which does more fully appear on the face of the said report, and also on table "A" of said report; and the said report was by Council on the day aforesaid received and accepted; and the Treasurer of your city has now in his hands the usual warrant, and is directed to proceed without delay to collect the said sum of \$700 of the undersigned according to law, and that the said Treasurer is about to take the necessary steps to enforce said collection.

The undersigned now prays the Council to direct the said Treasurer to desist from the further prosecution of the aforesaid collection, for the following reasons, to-wit:

1. The said Winston street does not join the real estate of the undersigned, and that there is a strip or parcel of ground fourteen feet in width running all the way from St. Clair street to the rear of lot number sixteen to an alley on the west side of said lot number sixteen up to Winston street.

2. The said commissioners had no authority to compel the undersigned to accept of the said fourteen feet of ground, and to assess him with the value of said ground as benefit, and fix the value of said ground to the undersigned against his will, which they actually did do, according to the report above mentioned.

3. The undersigned says that he has no title to or control over said fourteen feet of ground, either in law or equity, nor does he desire to become the owner of the same.

4. The map annexed, with the petition of Charles Lauer, pretending to give a correct view of the condition of lot number sixteen, with reference to the straightening of Winston street, and upon which the said commissioners refer in their report and doings, is faulty in this: it purports that the said lot number sixteen joined the street on the west side of said lot, which in point of fact does not join said street by fourteen feet.

Wherefore, and for the reasons aforesaid, and other reasons, as will appear from the doings of the said commissioners and the council, the undersigned says that he is greatly wronged and injured; and prays your honorable body to cause justice to be done in the premises, and for such other and further relief as is just and right in the premises.

An for this the undersigned will ever pray, etc.

HENRY REINKEN.

Which was referred to the City Attorney.

Mr. Steinhauer offered the following motion:

Moved, That the Committee on Public Buildings be, and are, hereby allowed to have the Central Station House repainted, and repairs made where the same needs it.

Which was referred to the Police Board.

Mr. W. G. Wright offered the following motion:

Moved, That the Street Commissioner be directed to fill the chuck-holes in the first alley east of Virginia avenue, running south from Elm street. Also, the first alley south of Huron street, running east from Pine street. Said alleys have been improved, and need only a few loads of gravel to put them in good order.

Which was referred to the Committee on Streets and Alleys.

Mr. Adams offered the following motion :

Moved, That the Civil Engineer be instructed in the future to require a new bond of all contractors before allowing them to proceed with work, when the time for the completion of the work has been extended, by order of the Council.

Which was adopted.

Also, the following petition :

Indianapolis, November 27, 1876.

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

Gentlemen :—I beg leave to call your attention to the over-assessment of the property belonging to Sarah Appleby. The said property is situated on lots 49 and 50 of McKernan & Yandes' sub-division, No. 391 West Second or Huntingdon street.

For the year 1875 the said property was assessed at the rate of twenty-four hundred and fifty dollars; the improvements being rated at two thousand and the lots at four hundred and fifty dollars. As said improvements only cost eight hundred dollars, I applied to the Board of Equalization to have the property appraised. This was done; the improvements being rated at one thousand dollars, and the lots at three hundred dollars, making, in all, thirteen hundred dollars. This, the appraiser said, was high enough for the property, and I was advised by the Board to make complaint to the Common Council for a reduction for 1875, as they said it was not in their power to make such reduction. I therefore pray your honorable body to make the proper reduction.

SARAH APPLEBY.

Which was referred to the City Assessor.

Mr. Byram offered the following motion :

Moved, That the motion passed by this Council on last Monday evening, that the City Treasurer be instructed to tender the damages awarded to parties by the City Commissioners in the matter of opening of Rohampton street, be, and the same is, hereby reconsidered, and that the Treasurer be directed to proceed to collect the benefits.

Which was adopted by the following vote :

Affirmative—Councilmen Byram, Case, Diffley, Laughlin, Morse, McGill, McGinty, Ransdell, Reasener, Steinhauer, Webster, Wright, Arthur L., and Wright, William G.—13.

Negative—Councilmen Adams, Buehrig, Bugbee, Darnell, Izor, Poudier, Reed, Schmidt and Thalman—9.

Mr. Diffley offered the following motion :

Moved, That the Street Commissioner be, and is, hereby instructed to protect the sidewalk at the approach of the northwest corner of the bridge over Pogue's Run, on South Illinois street.

Which was referred to the Committee on Streets and Alleys, with power to act.

Mr. Darnell called for a report from the special committee appointed to investigate the accounts of the late Chief Fire Engineer, Mr. Fitchey.

Mr. Adams moved that said committee be granted further time.

Mr. Darnell moved to amend by giving one week's time.

Which amendment was laid on the table by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Diffley, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Wright, Arthur L., and Wright, William G.—13.

Negative—Councilmen Byram, Case, Darnell, Izor, Laughlin, Morse, Poudier, Reed, Thalman and Webster—10.

Then, on motion, said committee was given two weeks further time, and the matter made the special order for that date, by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Diffley, Izor, Morse, McGill, McGinty, Pouder, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Wright, Arthur L., and Wright, William G.—20.

Negative—Councilmen Darnell, Laughlin and Webster—3.

Dr. Stratford then tendered his resignation as a member of said committee.

Which was not accepted.

Mr. A. L. Wright offered the following motion :

Moved, That the Street Commissioner be, and is, hereby directed to box the shade trees around Circle Park.

Which was adopted.

Mr. W. G. Wright offered the following motion :

Moved, That the Street Commissioner be directed to place a stone crossing over Virginia avenue at the south terminus of the Street Railway.

Mr. Darnell moved to refer the motion to the Committee on Streets and Alleys.

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

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

Affirmative—Councilmen Bugbee, Byram, Darnell, Izor, Morse, Pouder, Ransdell, Reasener, Thalman, Webster, and Wright, Arthur L.—11.

Negative—Councilmen Adams, Buehrig, Case, Diffley, Laughlin, McGill, McGinty, Reed, Schmidt, Steinhauer, Stratford and Wright, William G.—12.

Mr. McGill offered the following motion :

Moved, That the Street Commissioner be, and is, hereby instructed to place cinders on the crossing at the intersection of Kentucky avenue and West street.

Which was adopted.

REPORTS FROM COMMITTEES.

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

Indianapolis, November 27, 1876.

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

Gentlemen :—Your Committee on Streets and Alleys, to whom was referred sundry papers, respectfully report as follows :

1. Is a petition and report from the City Attorney relating to the grading and graveling between the railroad track running to the Starch Factory and Coffin's Pork House. They ask that they be released from paying for said work. We believe that in all cases where the right of way is granted to a corporation for laying a track or switch on any street or alley in the city, the parties should be compelled to put the same in good order, whether the street has been improved or not; so that when an improvement is ordered to such street no delay will be necessary to compel them to do their part. We do not think it just for the property owners adjoining such track, nor the city, to pay for doing work that should be done by owners of tracks. We therefore recommend that the prayer of the petitioners be not concurred in.

2. Is a remonstrance from property owner against improving the first alley east of Plum street, running from Christian avenue to Oak street. We believe the alley should be improved, and therefore recommend that the ordinance be passed.

3. Several motions have been referred to us in regard to putting down stone crossings. We believe the following crossings necessary, and recom-

mend that the Street Commissioner be directed to put them down as early as practicable:

Across Tinker street, east side of Illinois street.

Across Illinois street, north side of Tinker street.

Across Ohio street, west side of Pennsylvania street.

Across Pennsylvania street, north side of Ohio street.

Across the second and third alleys on Union street, south of Merrill street, west side.

Across Circle street, from east side of Meridian street.

4. Is a motion to put in a wooden bridge over the mill race near the Fall Creek dam. This properly belongs to the the Committee on Bridges, and we recommend that it be referred to that committee.

Respectfully submitted,

ISAAC THALMAN,

ALBERT IZOR,

W. F. REASENER,

Committee on Streets and Alleys.

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

The second, third and fourth clauses were concurred in.

Mr. A. L. Wright, from the Committee on Finance, submitted the following report:

Indianapolis, November 27, 1876.

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

Gentlemen:—Your Committee on Finance respectfully report that we have examined the City Treasurer's report of receipts and payments from August 1st to October 31, 1876, and find it correct.

We recommend, in order to be able to pay the interest falling due January 1st, and April 1, 1877, and temporary loan warrants falling due May 1, 1877, that the Treasurer be directed to retain until otherwise ordered by this Council, the money not otherwise appropriated, now in the treasury and that hereafter received by him.

We recommend that the action of the Council directing that a 20 years'

7-30 bond be issued in payment for the new steam fire engine be rescinded, as we think the rate of interest too great, and recommend that the same be paid for in cash.

Your committee ask for authority to negotiate a temporary loan of \$40,000, money to be furnished the city December 20, 1876, and loan to mature May 1, 1877, to meet the following claims:

Interest due January 1, 1877.....	\$47,722 75
New Fire Engine.....	3,000 00
Total.....	<u>\$50,722 75</u>

Respectfully submitted,

A. L. WRIGHT,
N. S. BRYAM,
I. W. STRATFORD,
J. C. LAUGHLIN,
Com. on Finance.

Which was concurred in.

Mr. Morse, from the Committee on Bridges, submitted the following majority report :

Indianapolis, November 27, 1876.

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

Gentlemen :—Your Committee on Bridges, to whom was referred sundry papers, would report as follows :

1. In regard to the Virginia avenue bridge. We have examined the same and recommend that the Street Commissioner examine the timbers in the center of said street crossing, and if any are found unsound to replace them with new. Also, to tighten up the iron braces underneath. This, in our opinion, will make it safe and substantial for a number of years.

2. Is a report of the Civil Engineer, calling attention to the dangerous condition of the east abutment of the Morris street bridge over the river. We recommend the Civil Engineer have stone and cinders placed around the base of said pier, so as to safely protect it. The work to be done by the Street Commissioner, or if he can have it done cheaper by contract, to do so.

Respectfully submitted,

T. J. MORSE.
ISAAC THALMAN,
Committee on Bridges.

Dr. Stratford, from the same committee, offered the following minority report to the first clause of the above report :

Indianapolis, November 26, 1876.

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

Gentlemen:—As one of the Committee on Bridges, I desire to make a minority report in reference to the bridge over Pogue's Run on Virginia avenue and Alabama street. I have examined it carefully a number of times. The timbers are rotten and in danger of breaking down any day, and while it might be repaired by the Street Commissioner for a short time, it will still be in danger of breaking down at any time. Any person acquainted with the travel on those streets will see the great calamity that would be caused by a break of the bridge.

I therefore recommend that the City Civil Engineer be directed to advertise for bids for an iron bridge at the place above named.

Respectfully submitted,

I. W. STRATFORD,
Minority Com. on Bridges.

Dr. Stratford moved to refer both reports to the Civil Engineer to report next Monday night.

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

Which motion to lay on the table was not adopted.

Dr. Stratford's motion was then adopted.

The second clause of the majority report was concurred in.

Mr. Adams presented the following remonstrance :

Indianapolis, November 27, 1876.

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

Gentlemen:—We the undersigned, citizens and property holders residing in the vicinity below mentioned, do call your attention to the ordinance lately passed by your honorable body in regard to the grading and graveling of the following described alley to-wit: the first alley west of Ash street, from the first to the second alley north of Christian avenue. And owing to the ex-

treme hardness of times, do most respectfully remonstrate and petition that the improvement intended may be delayed till a more prosperous time.

Mary A. Carpenter, 46 feet; W. B. Barry, 25 feet;
Elizabeth Cole, 26½ feet; F. N. Scott, 37 feet; Jas.
Larapy, 40 feet; Martha W. Ashley, 46 feet
John S. Carpenter, 46 feet; Hanford A. Edson,
50 feet; A. Aldrich, 33½ feet.

Which was referred to the Committee on Streets and Alleys.

On motion, the Council adjourned.

J. C. Caven Mayor.

Attest :

Benj. Wright City Clerk.