

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, December 11th, 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, Darnell, Izor, McGill, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Absent—Councilmen Diffley, Kenzel, Laughlin, Morse and Reasener—5.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, December 11, 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 William Neal for grading and graveling Broadway street between Lincoln avenue and Seventh street—

| | |
|---|----------|
| 1220.33 lineal feet at 48 cents..... | \$585 76 |
| Less 15 per cent. by order of Council | 87 86 |
| | \$497 90 |
| Extra work on gutter..... | 3 00 |
| Balance due..... | \$500 90 |

Also, a first and final estimate allowed James W. Hudson for bowldering and curbing the gutters on Ohio between Illinois and Tennessee streets—

| | |
|--|-----------------------|
| 590.3 lineal feet of curbing at 39 cents..... | \$230 21 |
| 811.9 lineal feet of bowldering at 46 cents..... | 373 47 |
| 233 lineal feet of reset curbing at 10 cents... .. | 23 30 |
| | Total \$626 98 |

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 William Neal for grading and graveling Broadway street between Lincoln avenue and Seventh 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, Craft, Darnell, Izor, McGill, 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 James W. Hudson for bowldering and curbing the gutters on Ohio street, between Illinois and Tennessee 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, Bugbee, Byram, Craft, Darnell, Izor, McGill, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

*The City Clerk submitted the following report :

Indianapolis, December 11, 1876.

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 :

| | |
|---|---------|
| James Mahoney vs. L. Dickenson (christian name unknown) for.... | \$ 7 80 |
| James Mahoney vs. Caroline Harris for..... | 4 80 |
| James Mahoney vs. Andrew J. Sloan for..... | 10 00 |
| James Mahoney vs. Lewis B. Nelson for. | 17 60 |
| James Mahoney vs. Jacob Meek for | 17 60 |
| James Mahoney vs. Dion Boucicault for.... | 48 40 |
| James Mahoney vs. Gottlieb Nachtrab for..... | 17 60 |

| | |
|--|-------|
| James Mahoney vs. John Hauck for..... | 17 60 |
| James Mahoney vs. John Hauck for..... | 17 60 |
| James Mahoney vs. David Phillips for..... | 17 60 |
| James Mahoney vs. David Phillips for.. | 17 60 |
| James Mahoney vs. Isaac M. Lines for... | 4 42½ |
| James Mahoney vs. Alvin & John Storm for..... | 4 42½ |
| James Mahoney vs. Alvin & John Storm for.... | 4 42½ |
| James Mahoney vs. Mary B. Strong for.... | 4 42½ |
| James Mahoney vs. Lucille Johnson for | 4 42½ |
| James Mahoney vs. M. W. Kennedy (christian name unknown) for.. | 17 60 |
| James Mahoney vs. J. C. Wood (christian name unknown) for..... | 4 42½ |
| James Mahoney vs. J. C. Wood (christian name unknown) for... .. | 4 42½ |
| James Mahoney vs. M. & H. McGaughey (christian names unknown) for | 4 42½ |
| James Mahoney vs. M. & H. McGaughey (christian names unknown) for | 4 42½ |
| James Mahoney vs. D. L & F. F. Batterson (christian names unknown) for..... | 4 42½ |
| James Mahoney vs. D. L & F. F. Batterson (christian names unknown) for.. | 4 42½ |
| John Schier vs. Patrick Shea for..... | 37 50 |
| John Schier vs. John Hauck for..... | 22 57 |

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

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

Affirmative—Councilmen Adams, Bugbee, Byram, Craft, Darnell, Izor, McGill, McGinty, Ransdell, Reed, Schmidt, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

The City Assessor submitted the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—I have examined the petition of Sarah Appleby to refund certain taxes for the year 1875, on lots 50 and 49 in McKernan and Yandes subdivision of Drake and Mayhew's second addition, and believe that justice demands that there should be refunded the amount (\$10.50) on account of an over estimate on said building, on account of the building being unfinished at the time of the appraisement.

Respectfully submitted,

WM. HADLEY,

City Assessor.

Which was concurred in, and the Committee on Accounts and Claims were instructed to incorporate the amount in the next general appropriation ordinance.

INTRODUCTION OF ORDINANCES.

Mr. Schmidt introduced special ordinance No. 136, 1876, entitled :

An ordinance to provide for the erection of lamp-posts, lamps, etc., on the northwest corner of Noble and Washington streets.

Which was read the first time.

Dr. Stratford introduced general ordinance No. 56, 1876, entitled :

An ordinance for the better protection of life in case of fires in theatres and public halls.

Which was read the first time.

Mr. Darnell, by consent, offered the following motion :

Moved, That the presiding officer appoint a special committee of three, who, with the Chief Fire Engineer, shall inspect the several buildings in the city now used as places of public amusement, and report to the Council the

condition of such buildings, and what facilities for egress there are in each; and that they also report what, if any, additional facilities should be placed in any of them in order to protect the public in case of fire; and that they also report what, if any, action should be taken by the Council in the matter.

Mr. Adams offered the following substitute for Mr. Darnell's motion :

Moved, That the Chief Fire Engineer, together with the Fire Board, be and are hereby directed to immediately examine the entrances and stairways of our public halls and theaters with referencs to facilities for egress from the same, and report the result of their investigation to this Council at as early a day as possible.

Which was adopted.

Dr. Stratford moved to refer the foregoing ordinance to the City Attorney, Fire Board, and Chief Fire Engineer.

Which was adopted.

Mr. McGill introduced special ordinance No. 137, 1876, entitled :

An ordinance to provide for grading and covering with broken stone the the center of West street, from Kentucky avenue to Maryland street.

Which was read the first time.

Mr. A. L. Wright introduced general ordinance No. 57, 1876, entitled :

An ordinance authorizing the issue of city warrants, and for their negotiation and sale by the City Treasurer, to the amount of \$40,000.

Which was read the first time.

Mr. Byram moved that the rules be suspended, and the above entitled ordinance be taken up and placed upon its passage.

Which motion was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, McGill, McGinty, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

The ordinance was then read the second time and engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, McGill, McGinty, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—20.

Negative—None.

A committee of ladies, representing the Ladies' Relief Society, being present, on motion of Mr. Reed, Mrs. Emmett, President of said Society, was invited to address the Council.

Mr. Reed, by consent, introduced appropriation ordinance No. 71, 1876, entitled :

An ordinance appropriating \$1,000 for the benefit of the poor of the city.

Which was read the first time.

Mr. Reed moved that the rules be suspended, and that the ordinance be taken up and placed upon its passage.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Adams, Bugbee, Case, Craft, Izor, McGill, McGinty, Poudet, Ransdell, Reed, Schmidt, Stratford, Thalman, and Wright, William G.—14.

Negative—Councilmen Buehrig, Byram, Darnell, Steinhauer, Thomas, Webster, and Wright, Arthur L.—7.

Mr. Thalman offered the following motion :

Moved, That the Committee on Finance be instructed to investigate, and report to this Council next Monday night, if possible, what course the Council had better pursue to provide means for relieving the poor.

Mr. Adams moved to amend Mr. Thalman's motion by striking out the word "Finance," and inserting in lieu thereof the words "Benévolence and Hospitals."

Which was adopted.

The original motion, as amended, was then adopted, and the matter made the special order for next Monday night.

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

Indianapolis, December 11, 1876.

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

Gentlemen :—Your Committee on Contracts, to whom was referred sundry proposals presented to Council December 4, 1876, have examined the same and find them to be as follows, to-wit:

First. For grading and graveling the first alley north of North street, between Delaware and Hudson streets—

J. J. Palmer, 31 cents per lineal foot front on each side.

William Morrison, 17 cents per lineal foot front on each side.

James Mahoney, 17 cents per lineal foot front on each side.

James Garner, 14 cents per lineal foot front on each side.

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

Second. For grading and graveling the alley between Merrill and Grant streets, running from the first alley west of West street to Acorn street—

John Flaherty, 12 cents per lineal foot front on each side.

James Mahoney, 11½ cents per lineal foot front on each side.

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

Third. For grading and graveling the first alley east of Meridian street, between Second and Fifth streets—

J. J. Palmer, 41 cents per lineal foot front on each side.

E. B. Elliott, 30 cents per lineal foot front on each side.

Richard Carr, 28 cents per lineal foot front on each side.

Henry Clay, 25 cents per lineal foot front on each side.

Michael Flaherty, 25 cents per lineal foot front on each side.

Irwin & Hanna, 24 cents per lineal foot front on each side.

James Mahoney, 22 cents per lineal foot front on each side.

Samuel J. Smock, 21 cents per lineal foot front on each side.

John Greene, 21 cents per lineal foot front on each side.

James Garner, 19 cents per lineal foot front on each side.

Wm. C. Shortridge, 17 cents per lineal foot front on each side.

William C. Shortridge being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fourth. For grading and paving with brick the east sidewalk on Maple street, from McCarty to Ray streets—

James Mahoney, 35 cents per lineal foot front.

James W. Hudson, 35 cents per lineal foot front.

John Schier, 29 cents per lineal foot front.

William Morrison, 27 cents per lineal foot front.

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

Fifth. For grading and graveling the first alley north of Second street, from Pennsylvania street to the first alley west—

J. J. Palmer, 31 cents per lineal foot front on each side.

William C. Shortridge, 15 cents per lineal foot front on each side.

John Flaherty, 12½ cents per lineal foot front on each side.

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

Sixth. For grading and graveling the first alley south of Fifth street, running from Pennsylvania street west to alley—

J. J. Palmer, 32 cents per lineal foot front on each side.

Wm. C. Shortridge, 15½ cents per lineal foot front on each side.

John Flaherty, 15 cents per lineal foot front on each side.

Wm. Morrison, 13 cents per lineal foot front on each side.

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

Seventh. For grading and graveling Wabash street, between Delaware and Alabama streets, bowldering the gutters of same, and curbing with stone the outside edge of the south sidewalk of said street—

Richard Carr, 42 cents per lineal foot for curbing.

“ 59 cents per lineal foot for bowldering.

“ 5 cents per lineal foot for scraping mud.

“ 75 cents per cubic yard for graveling.

James W. Hudson, 41 cents per lineal foot for curbing.

“ “ 56 cents per lineal foot for bowldering.

“ “ 89 cents per cubic yard for graveling.

James Mahoney, 60 cents per square yard for bowldering.

“ 40 cents per lineal foot for curbing.

“ 76 cents per cubic yard for cleaning and graveling.

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

Eighth. For grading and graveling the first alley east of Bellefontaine street, between Home avenue and the first alley north of Christian avenue—

John Greene, 42 cents per lineal foot front on each side.

E. B. Elliott, 33 cents per lineal foot front on each side.

Richard Carr, 33 cents per lineal foot front on each side.

Wm. Morrison, 31 cents per lineal foot front on each side.

Samuel J. Smock, 28 cents per lineal foot front on each side.

Samuel J. Smock being the lowest and best bidder, your committee recommend that he be awarded the contract.

Ninth. For grading and graveling the first alley east of Dillon street, from English to Lexington avenues—

Fred. Gansberg, 25 cents per lineal foot front on each side.

Richard Carr, 20 cents per lineal foot front on each side.

James Mahoney, 19 cents per lineal foot front on each side.

August. Verhofstad, $18\frac{1}{2}$ cents per lineal foot front on each side.

Andrew J. Sloan, 15 cents per lineal front foot on each side.

Andrew J. Sloan being the lowest and best bidder, your committee recommend that he be awarded the contract.

Tenth. For grading and graveling the first alley north of Prospect street, from Dillon to Linden streets—

James Mahoney, 16 cents per lineal foot front on each side.

Richard Carr, 15 cents per lineal foot front on each side.

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

Eleventh. For grading and graveling the first alley east of West street, running from Merrill street to the first alley south of Merrill street—

James Mahoney, 10 cents per lineal foot front on each side.

John Flaherty, 9 cents per lineal foot front on each side.

August. Verhofstad, $8\frac{3}{4}$ cents per lineal foot front on each side.

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

Twelfth. For grading and graveling the first alley west of Missouri street, between Walnut and St. Clair streets—

J. J. Palmer, 32 cents per lineal foot front on each side.

Wm. Morrison, 17 cents per lineal foot front on each side.

James Mahoney, 17 cents per lineal foot front on each side.

John Flaherty, 14 cents per lineal foot front on each side.

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

Thirteenth. For grading and graveling the alley between College avenue and Broadway street, running from Home avenue to Lincoln avenue—

J. J. Palmer, 32 cents per lineal foot front on each side.

James Mahoney, 29 cents per lineal foot front on each side.

Irwin & Hanna, 23 cents per lineal foot front on each side.

Samuel J. Smock, 22 cents per lineal foot front on each side.

John Greene, 22 cents per lineal foot front on each side.

August. Verhofstad, 19 cents per lineal foot front on each side.

E. B. Elliott, 19 cents per lineal foot front on each side.

H. C. Roney, 18 cents per lineal foot front on each side.

Wm. Morrison, 17 cents per lineal foot front on each side.

James Garner, 14½ cents per lineal foot front on each side.

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

Fourteenth. For grading and graveling the first alley east of Alford street, between Home and Malotte avenues—

J. J. Palmer, 43 cents per lineal foot front on each side.

E. B. Elliott, 42 cents per lineal foot front on each side.

John Greene, 35 cents per lineal foot front on each side.

August. Verhofstad, 30½ cents per lineal foot front on each side.

Richard Carr, 30 cents per lineal foot front on each side.

Irwin & Hanna, 29 cents per lineal foot front on each side.

James Garner, 24 cents per lineal foot front on each side.

James Mahoney, 20 cents per lineal foot front on each side.

James Mahoney 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 contracts awarded.

Mr. Ransdell presented the contract and bond of Wm. C. Shortridge for grading and graveling the first alley east of Meridian street, between Second and Fifth streets.

Which contract was concurred in, and bond approved.

Mr. Schmidt, Chairman of the Committee appointed to investigate the accounts of ex-Chief Fire Engineer Fitchey, submitted the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your special committee appointed to investigate the accounts of Michael G. Fitchey, ex-Chief Fire Engineer, would report that the chairman of said committee gave notice, by writing, to the other members thereof, that a meeting of said committee would be held on Tuesday evening, December 4th, 1876, at Fire Department Headquarters, for the purpose of such investigation, and said Fitchey was notified of said meeting, and directed to be present and to produce his books and accounts with the city for examination. Said Fitchey was present, but failed to produce said books and accounts, and asked that he be granted from four to six weeks time in which to prepare and submit to the Council a complete and full report of all his doings.

If your honorable body grant the time, as requested by said Fitchey, then your committee would ask to be discharged from the further consideration

of said investigation; otherwise, that your committee be directed to proceed at once with said investigation, with power to send for persons and papers.

Respectfully submitted,

F. SCHMIDT,
ISAAC THALMAN,
I. W. STRATFORD,
Special Committee.

Mr. Thalman moved that the part of the report giving Mr. Fitchey additional time to prepare and submit to the Council his report, be concurred in and the committee be discharged.

Mr. Adams moved, as a substitute for Mr. Thalman's motion, that the report be accepted, and that Mr. Fitchey be allowed the additional time asked for, and that the Committee be continued.

Mr. Craft moved that Mr. Darnell be added to said committee.

Then, on motion of Mr. Thalman, the previous question was ordered.

Mr. Craft's motion was then adopted.

The substitute offered by Mr. Adams was then adopted.

SPECIAL ORDER.

The Board of Police and City Attorney submitted the following report:

Indianapolis, December 11, 1876.

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

Gentlemen :—Your Committee, to whom was referred general ordinance No. 55, 1876, entitled: "An ordinance prohibiting any person from soliciting passengers," etc., "to or from the Union Depot, without a license from the President of the Union Railway Company," would report that we have examined the same, and are of the opinion that the Council cannot delegate the power to grant or revoke licenses to any private person. The Council, under

the charter, have the power of regulating, but not to prohibit, the running of hacks, etc. The ordinance now in force provides that licenses shall be revoked by the Mayor as a part of the penalty for violating the provisions of the ordinance upon a second conviction, and we do not think that the Council could, by ordinance, delegate the power to revoke hack licenses to private persons, and thereby give them the power to prohibit certain persons from exercising the right of running a hack. We therefore recommend that the ordinance be not passed. We herewith submit an ordinance upon the subject, which we recommend be passed.

Respectfully submitted,

N. S. BYRAM,

MICHAEL STEINHAEUER,

GEO. C. WEBSTER,

Board of Police.

R. O. HAWKINS,

City Attorney.

Which was adopted.

Also, general ordinance No. 58, 1876, entitled :

An ordinance relative to omnibus and hack owners and runners, and hotel runners at the Union Depot, and the general protection and convenience of travelers in the city.

Which was read the first time.

Mr. Thomas moved that the rules be suspended, and that the ordinance be read the second and third times, and put upon its passage.

Which motion failed to pass by the following vote :

Affirmative—Councilmen Adams, Bugbee, Byram, Case, Craft, Darnell, Izor, Poudier, Ransdell, Reed, Schmidt, Steinhauer, Thalmann, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—Councilmen Buehrig, McGill, McGinty and Stratford—4.

ROLL CALL.

Mr. Adams offered the following motion :

Moved, That the Committee on Public Buildings and City Attorney be and are hereby directed to prepare an ordinance providing for the construction of buildings within the city limits, with reference to the better protection of property in case of fire, and report the same to this Council at their earliest convenience.

Which was adopted.

Also, the following petition :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your petitioner, the Citizens' Street Railway Company of the city of Indianapolis, would respectfully represent that the City Treasurer of said city is threatening to enforce the collection of taxes against her in the sum of one thousand and thirty three dollars and ten cents for the year 1873, which she respectfully represents is wrongful, oppressive, and without authority of law, for the reasons and facts following :

She says that the said city, on the 21st day of February, 1870, ordained and established "An ordinance to amend an ordinance entitled 'an ordinance authorizing the construction, extension and operation of certain passenger railroads in and upon the streets of the city of Indianapolis,'" ordained and established January 18, 1864, the fifth section of which is as follows: "That said Company shall be exempt from taxes for city purposes until the year 1874; Provided, said Company shall, within ninety days from the passage of this ordinance, proceed to the work of double-tracking their road, and shall, within eighteen months double-track at least two of their lines, one of which shall be completed in the first six months after the passage of this ordinance; and failing so to do the property of said Company, including all their lines, whether double-tracked or not, shall immediately be subjected to taxation for city purposes." Your petitioner represents that the then officers, managers and owners of said Railway Company availed themselves of the provisions of said ordinance and proceeded to, and did, comply with the requirements and provisions thereof, to the end that said Company might be exempt from all taxes for city purposes until the year 1874, and that by virtue of said compliance with the provisions and requirements of said ordinance the said

tax levied and assessed against said Railway Company for the year 1873, is wrongful and without authority of law.

Your petitioner therefore respectfully prays that your honorable body take such action as may be deemed necessary in the premises to relieve, release, and discharge the said Railway Company from the judgment of said tax for said year 1873, and as shall restrain the said City Treasurer from proceeding with the collection thereof; and your petitioner prays for all other proper and general relief in the premises.

THE CITIZENS STREET RAILWAY CO.,

By HANNA & KNEFLER, her Att'ys.

Which was received, and referred to the City Attorney, City Assessor, and City Treasurer, with instructions to report next Monday night.

Mr. Byram offered the following motion :

Moved, That the City Clerk be, and is, hereby directed to withhold from any party or corporation to whom the city is or may become indebted, such sum or sums of money as may be due from said party or corporation to the said city for delinquent taxes.

Which was adopted.

Also, the following petition :

Indianapolis, December 11, 1876.

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

Gentlemen :—The writer has an agreement with your honorable body (which is attached) for the renting of seventy-five (75) feet of ground at the Sellers farm, fronting on White River and running back — feet to a road or general drive through the farm. On this piece of ground he erected two buildings, one for cleaning sausage casings, the other for rendering grease. These buildings were set back from the river so as to leave a drive between the river and the buildings, and room for coal, barrels, etc. During the floods of the summer of 1875, all the space between the two buildings and the river was washed away, together with forty (40) feet of one of the buildings; the other building still stands, but there is no space left between the river and the boiler, and before the place can be used for the purpose it was intended, the part of the building next to the river will have to be moved, and the boiler will also have to be moved, which will cost more than I am at

present prepared to pay. It is my intention to alter the place as soon as I can, and operate it myself, or rent it to others. I have paid up the rent in full to the first day of May, 1876. I therefore ask your honorable body to stop collecting the rent until such time as I may be able to rebuild and refit the place.

Yours respectfully,

LOUIS F. LANNAY.

AGREEMENT.

This agreement, made and entered into this first day of May, 1874, between Louis F. Lannay & Co., of the county of Marion and State of Indiana, of the first part, and the Common Council of the city of Indianapolis, of the second part, witnesseth, that the party of the second part does rent to the party of the first part, seventy-five (75) feet of ground on the Sellers farm, fronting on White River and running back — feet, from the first day of May, 1874, until the first day of May, 1875, with the privilege of four (4) years; the party of the first part to pay to the party of the second part the sum of two dollars (\$2.00) per front foot per annum, in quarterly payments; and on failure to comply with the requirements named in this agreement, the party of the second part shall have the right and privilege to take quiet and peaceable possession of said ground so leased to the party of the first part.

[Signed,]

WILLIAM McLAUGHLIN,

For Common Council of the City of Indianapolis.

Which was referred to the Committee on Sellers Farm.

Mr. Darnell offered the following motion :

Moved, That the City Attorney be, and is, hereby ordered to report to this Council, on next Monday night, whether the city has a right to discontinue the burning of a lamp-post or not.

Which was adopted.

Also, the following motion :

Moved, That C. S. Downie be, and is, hereby granted auction license for three months, at No. 11 North Illinois street.

Which was adopted.

Also, the following petition :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your petitioner begs leave most respectfully to represent that he was, on the 30th day of June, 1873, the owner of a piece of real estate situated in out-lot No. 160, in the city of Indianapolis, and bounded and described as follows, to-wit: Beginning at a point on the south line of Indiana avenue six feet and nine inches southeast from the northwest corner of said out-lot No. 160, and running thence south and parallel with the west line of said out-lot 160, 322 feet; thence east 100 feet; thence north — feet to the said south line of Indiana avenue; and thence northwest along said avenue to the place of beginning. That upon said 30th day of June, 1873, the City Commissioners of said city of Indianapolis, being duly authorized thereto, made a report of an assessment of benefits and damages accruing to property holders along Blackford street from the opening of said street from North street to Indiana avenue along the west side of said out lot 160, by which said assessment your petitioner is charged with \$1800 benefits to petitioner's property by the opening of said street, and a strip of his land 16½ feet along the west side of said property appropriated to the use of said city for said Blackford street, for which petitioner is allowed the sum of \$1000 00, leaving a balance of \$800 benefits over and above the damages due to said city, and a lien upon and against your petitioner's said property; which said report of said City Commissioners, to-wit, J. F. Ramsay, Samuel M. Seibert, and Ignatius Brown, was duly accepted by the Common Council, and your petitioner's real estate appropriated in accordance therewith.

And your petitioner further shows that at the time of the filing and adoption of said report your petitioner was very busy, and had no notice of the action of said Common Council upon the same until too late for him to appeal therefrom, and that the said assessment of benefits and damages, so far as petitioner is concerned, was an unjust and inequitable one, the amount of damages allowed him for the aforesaid appropriation of his said ground being entirely too small, and the amount of benefits assessed against him being entirely too large. And your petitioner further avers that the property so taken and appropriated by said city for said Blackford street was worth at a very low valuation the sum of \$1650.00, while the benefit conferred upon the remainder of your petitioner's property by the opening of said street was not, as your petitioner is prepared to establish, more than \$1500.00.

Wherefore your petitioner says that he ought not, in justice and equity, to be obliged to pay said \$800 00 excess of benefits over damages, as assessed against him by said commissioners, and respectfully asks this honorable

Council to remit the same from him and order it to be paid out of the city treasury.

DAVID KING.

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

Mr. Ransdell presented the following petition :

Indianapolis, November 23, 1876.

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

Gentlemen :—The undersigned would respectfully represent to your honorable body that on the 10th day of March, 1873, he purchased of the City Treasurer, at the City Tax Sale of that date, eight feet off the north side of lot No. 8, McKernan & Pierce's sub-division of square No. 3, Henderson's Addition to the city of Indianapolis, Indiana.

Said sale was erroneous and improper for the following reasons: being for the alleged non-payment of taxes on said property for the years 1871 and 1872. Comes now Chas. Wulf, and exhibits Treasurer's receipt, showing the payment of said taxes; a copy of which is herewith attached.

It is also shown by the duplicate of 1872 that the occasion of said double payment was the result of a double assessment of said lot (8 feet north side). See duplicate Nos. 11,540 and 13,499.

As the city has received taxes twice for the years as set forth, your petitioner humbly prays for the refunding to him of the sum of \$4 05, (that being the amount paid by your petitioner for said certificate of purchase) with interest from the day of said sale.

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

LAWRENCE ROLAND.

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

Also, the following motion :

Moved, That the Street Commissioner be instructed to notify the Indiana, Cincinnati & Lafayette Railroad Company to plank the crossings between their tracks at the crossing of Walnut street.

Which was adopted.

Mr. Reed offered the following motion :

Moved, That further time of two weeks be granted to contractors Irwin & Hanna for the grading and graveling of Third street, between Canal and West street.

Which was adopted.

Also, the following motion :

Moved, That the Committee on Gas Light report to this Council why it is that the public lamps around the Circle are not lighted, and how long they have remained unlighted nightly.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That James B. McSheppard be granted 60 days further time, from November 30, 1876, for grading and graveling Ray street from Tennessee to West street, he filing a new bond for doing said work with the Civil Engineer.

Which was adopted.

Mr. Darnell tendered his resignation as a member of the special committee appointed to investigate the accounts of ex-Chief Fire Engineer Fitchey.

Mr. Craft offered the following motion :

Moved, That Mr. Darnell be excused from serving on the Fitchey Committee, and A. L. Wright be added.

Which was adopted.

Mr. Adams offered the following motion :

Moved, That general ordinance No. 58 be made the special order of business on next Monday night.

Which was adopted.

REPORTS FROM COMMITTEES.

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

Indianapolis, December 11, 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, report as follows :

First. Ordinance No. 131, for grading and graveling Second street and sidewalks between Meridian and Pennsylvania streets, was referred to us with petition and remonstrance. We believe the street needs improving badly, and therefore recommend that the ordinance be placed upon its passage.

Second. A motion that the Street Commissioner put in a culvert on South New Jersey street, was referred to us. We recommend that the Street Commissioner be directed to put down a wooden culvert at such points as are absolutely necessary for crossings for business purposes.

Third. Several motions were also referred to us for stone crossings at the following points :

Across New York street on the east side of Indiana avenue.

Across the west side of Pennsylvania street at its intersection with Ohio street.

We respectfully report that stone crossings would be very desirable improvements at said points, and would report to your honorable body, that if it is your intention to put down all stone crossings needed, to adopt the motions; but in view of the financial condition of the treasury and the inability of a large portion of our tax payers to pay their taxes, we would recommend that the further putting down of stone crossings be deferred.

Respectfully submitted,

ISAAC THALMAN,

ALBERT IZOR,

Committee on Streets and Alleys.

The first and second sections, and the last clause of the third section was concurred in.

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

Indianapolis, December 11, 1876.

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

Gentlemen :—Your committee, to whom was referred the report of the City Civil Engineer in relation to the Patterson Levee, would report: That the Engineer reports that Mr. Patterson has fully complied with his contract in building the levee which he agreed to build; and we have therefore caused five city bonds, of the denomination of \$1000 each, with six per cent. annual coupons attached, said bonds payable in twenty years from date—to be prepared, and they are now in the hands of the City Clerk. We would therefore recommend that the Mayor and Clerk be directed to sign and deliver the same to Mr. Patterson, and take his receipt therefor, and that the Clerk be directed to register said bonds as required by law.

Respectfully submitted,

A. L. WRIGHT,
J. THOMAS,
N. S. BYRAM,
I. W. STRATFORD,
Com. on Finance.

R. O. HAWKINS,
City Attorney.
Which was concurred in.

Also, the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your Committee on Finance, to whom was referred the petition of G. W. Manley and others asking a reduction in the license fee now charged by the city on hacks and other vehicles, would respectfully report recommending that the prayer of the petitioners be not granted.

Respectfully submitted,

A. L. WRIGHT,
JOHN THOMAS,
N. S. BYRAM,
Committee on Finance.

Which was concurred in.

Also, the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your Committee on Finance respectfully report, that in pursuance of authority given by the Council November 27th, we have negotiated a loan of Forty Thousand Dollars, by selling to Charles Knefler, Esq., at 7 per cent. per annum discount, "Temporary Loan Warrants" to that amount, said warrants to be dated December 20, 1876; and to become due May 1, 1877, without interest.

Respectfully submitted,

A. L. WRIGHT,
JOHN THOMAS,
N. S. BYRAM,
I. W. STRATFORD,
Committee on Finance.

Which was concurred in.

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

Indianapolis, December 11, 1876.

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

Gentlemen :—Your committee, to whom was referred a motion of Councilman Darnell that Mr. Ruschaupt be relieved from the sewer assessment against his property, on the corner of Second and Pennsylvania streets; which lot is ten foot front on Pennsylvania street by 205 feet on Second street, running back to an alley, claiming said sewer assessment to be unjust and a hardship; as, by the opening of Second street, the city took 50 feet of a 60 foot lot, leaving him ten feet frontage. After a careful examination into the above case, and the City Charter, your committee find the facts are as set forth in Mr. Ruschaupt's petition, and all the proceedings appear to be regular and correct. But, upon examination of the charter, we find in the 43d paragraph of section 53, after stating the power that is vested in the Council to construct, regulate sewers, drains and cisterns, and provide for the payment of the cost of constructing the same, and assessing the cost of same upon such lots or lands as may be benefited thereby; "*provided, however, that not to exceed ten per cent. of the value of such lots or lands, as the same is valued or assessed upon the tax duplicate for state and county or city taxes, shall be assessed against such lots or lands in any one year.*" Your committee are of the opinion that the above lot comes clearly under the provisions of the above section. As the property in question is assessed for city purposes at seven hundred (\$700) dollars, and the assessment for the con-

struction of the Pennsylvania and Second street sewer amounts to \$331 50, whereas 10 per cent. of the appraised value of the lot amounts to \$70 00, leaving \$250.50 to be provided for in some other manner.

Your committee would therefore recommend the contractor make a new precept, and the City Clerk certify and correct the precept against the above lot for the amount of seventy (\$70.00) dollars, and the sum of \$254 50 be inserted in the next regular appropriation ordinance, to be paid to Bruner & Riner, the contractors for the above sewer.

Respectfully submitted, . . .

J. C. ADAMS,

D. M. RANSDELL,

Committee on Judiciary.

Which was concurred in.

Also, the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—Your Committee on Judiciary, to whom was referred sundry papers, would offer the following report upon the same :

First. Richard Carr sets forth in a communication to the Council, that on the 11th day of May, 1874 he was awarded a contract by the city for the grading and graveling of Morris street, between Tennessee street and White River bridge. That he duly and faithfully performed his contract, and on the 7th day of September, 1874, an estimate was duly issued to him; that on said estimate the Lafayette Railroad Company was taxed and charged with the bed of Canal (69 feet) \$89.01; that affidavit was duly made, precept issued, and appeal taken therefrom by the Lafayette Railroad Company to the Superior Court of Marion county, and a decision was made against the precept—all of which fully appears in the record of case No. 845, Superior Court.

Mr. Carr, in his petition, shows the assessment was for crossings of Missouri street, and south of that part of said street already taken possession of by the city, and prays your honorable body to allow him the amount of said assessment.

As the question of the ownership of the Central Canal is in litigation, and the city claims the bed of said canal, called Missouri street, which claims are fully set forth in the papers now in court in the above case, your committee would recommend the Council to allow the claim of Richard Carr, as by the law governing such cases the city is compelled to pay for all street crossings,

and claiming said canal for street purposes, we recommend the City Clerk be directed to put the amount, \$89.01, in the next appropriation ordinance, provided after an examination of the records he shall find such amount due Richard Carr for improvement of the crossings of Missouri street.

Second. John E. Foudray, John H. Vajen, and Daniel Martin set forth in a communication to the Council that they are the owners of certain real estate lying west of Fall Creek and north of the new channel of the same, recently made by the city of Indianapolis, and known as the Patterson channel. Mr. Vajen owns 73 acres, Mr. Foudray 18 acres, and Mr. Martin 22 acres.

The petitioners claim that by reason of the change of said channel of Fall Creek, by which the water which formerly ran down through the bottoms adjoining White River has been turned directly into White River, running nearly due west from the east end of the channel, and at every rise of the river the water comes back into the new channel, and as it can not find egress south and west by reason of the levee on the south and west sides of said channel, it is forced over into the lands of petitioners, thereby greatly injuring and damaging their property. And as a remedy for such overflow they suggest that the city construct a strong and sufficient levee on the west bank of Fall Creek, from a point where the new channel intersects White River to the bluffs or high grounds on the lands of C. Schurman, as a safe and economical protection of their lands exposed to high water and now overflowed, as they claim, by reason of the change of channel of said creek.

After an examination of the above matter, and the question of responsibility of the city for any damage that has or may occur to the land of the petitioners, we are of the opinion that the city is not liable for the damage, and it is certainly not her duty to build levees and thereby protect the property of citizens lying on or along a public or natural water course.

Your committee, therefore, would recommend the prayer of the petitioners be not granted.

Third. James Muse petitions your honorable body to allow him the sum of five hundred and sixty-nine dollars, for materials coming from the State Ditch, that he was enjoined from removing from the grounds of Indiana State Board of Agriculture. In his communication he sets forth that he entered into a contract with the city for the deepening and widening of what is known as the State Ditch, from Hill avenue to the north line of said Fair Grounds. That with his consent or agreement the contract was confined to what was known on the profile of the Engineer as the "first section," which work he claims to have performed. The contract, which was made the 2d day of January, 1875, in which he assumes the city was to guarantee him all

the sand, gravel, and other materials coming from such State Ditch, some of which he removed, and the balance he dumped in piles on the ground of the State Board of Agriculture, with, as Muse states, the consent of the authorities. On the 20th day of January the State Board of Agriculture, through their Secretary, Mr. Heron, served a notice on Mr. Muse, "notifying him that the State Board claimed all the materials taken from what is known as the State Ditch, within the Fair Grounds, including the sand and gravel deposited on the grounds of the Board opposite the Exposition building," and signed by Alex. Heron, Secretary, a copy of which notice is attached to the communication.

After a careful examination of the facts and circumstances as set forth in Mr. Muse's petition, we are of the opinion that the city is in nowise liable for the materials said Muse did not remove from the State Fair grounds. In the first place there is nothing in the contract between Muse and the city in which the city agrees with Muse that he may have all materials coming from the ditch. All that is to be found in that instrument is that he, Muse, "agrees to clean and deepen the State Ditch about five feet." In the absence of anything granting Muse the materials, the contractor would necessarily be governed by the rules and specifications covering all public work in the city of Indianapolis, which reads as follows: "In all cases where there is surplus earth, the same shall be deposited and properly spread on streets and alleys within one-half mile of the point where the work is in progress. Should the earth, in the opinion of the Engineer, be not needed or required as above, the same shall belong to the contractor." Admitting that the Civil Engineer did not order Mr. Muse to place the surplus earth on any of the streets or alleys, it is presumed the city was willing he should have the same, but does not guarantee it to him. Again, if Mr. Muse had removed the material from the Fair Grounds when he took the same from the ditch, instead of depositing it on the State Board's ground until such time as he could dispose of it at a good price, there would have been no difficulty of his using the same as he saw proper. He, however, paid no attention to the notice of the Board as far as the large piles deposited in front of the Exposition building was concerned, and was only debarred from hauling away what was inside the enclosure of the Fair Grounds by the locked gate.

From the above your committee firmly believe the city is not liable for material Mr. Muse was prevented from removing, and would recommend the claim be not allowed—a conclusion the Committee on Accounts and Claims would have arrived at had they given the matter any attention when it was referred to them.

Fourth. John G. Blake presents a claim of \$344.00 for the loss of a horse, keeping and medical attendance upon the same, by reason of said animal

falling through a defective plank in Delaware street bridge, which accident was the cause of the death of said horse.

Your committee have given the matter some attention, and not caring to invite litigation, we would recommend the Council to direct the City Attorney to make Mr. Blake a tender of one hundred and fifty dollars and doctor's bill as a compromise and settlement in full for his claim; and in case he accepts the same the Attorney notify the City Clerk of the fact, and he is hereby directed to insert the above amount in the next regular appropriation.

Fifth. Councilman McGinty introduced a motion on October 23, 1876, directing the Committee on Judiciary and City Attorney to report on what action, if any, concerning the people's property that was washed away by the overflow of Pogues Run in 1875, situated between Merrill and Catharine streets. The facts in the above case are as follows :

Owing to the large amount of water in the creek at that time the rear ends of the lots were washed away, in some instances extending nearly up to their houses, caused (as they the property owners claim) by the insufficient and small culverts put in at the stone arch crossing of Catharine street.

After a careful examination into the above case we do not believe the city is liable for the damage in the matter, but as the property owners are not able to repair the damage, we would recommend the Street Commissioner to build a crib, suitable for holding the dirt, at as small a cost as possible, and whenever he has any scrapings from the streets in that section of the city, to fill the same in the rear end of the lots where they are washed out.

Respectfully submitted,

J. C. ADAMS.

J. J. DIFFLEY,

D. M. RANSELL.

Committee on Judiciary.

Which was concurred in.

Mr. Thalman offered the following motion :

Moved, That Mrs. Vance be allowed to cause to be changed the one lamp-post from the sidewalk to the corner of her building, the cost of making said change to be done at her own expense, the lighting to be done at the expense of the city, schedule time—the change to be made under the direction of the Civil Engineer.

Which was referred to the Committee on Gas Light, with instructions to report next Monday night.

Special ordinance No. 130, 1876, entitled: "An ordinance to provide for the erection of lamp-posts, etc., on Second street, between Meridian and Pennsylvania streets," being the special order for this meeting, was taken up and read the second time.

The question being on the engrossment of the ordinance, the ayes and noes were demanded.

The engrossment of the ordinance failed by the following vote :

Affirmative—Councilmen Adams, Bugbee, Darnell, McGinty, Poudel, Ransdell, Reed, Schmidt and Thalman—9.

Negative—Councilmen Byram, Case, Craft, Izor, Steinhauer, Stratford, Thomas, Webster, Wright, Arthur L., and Wright, William G.—10.

Mr. Byram, from the Police Board, submitted the following report :

Indianapolis, December 11, 1876.

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

Gentlemen :—The undersigned, Board of Police, to whom was referred the motion of Councilman Steinhauer in reference to having the Central Station House repainted and repairs made on the same, have had the matter under consideration, and are of the opinion that the motion should be passed, and that the Committee on Public Buildings should be empowered to carry out the provisions of said motion.

Respectfully submitted,

N. S. BYRAM,
MICHAEL STEINHAUER.
GEO. C. WEBSTER.

Committee.

The question being on the adoption of the report, the ayes and noes were demanded.

