

PROCEEDINGS
OF THE
COMMON COUNCIL.
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, January 15th, 1877—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 Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Absent—Councilmen Adams, Duffley, Laughlin and Reasener—4.

The proceedings of the regular session, held January 8th, 1877, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, January 15, 1877.

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

Gentlemen :—I would respectfully report that the time granted Joseph Bernauer for improving the first alley east of East street, running north and south from McCarty street to the first alley north of Buchanan street, has expired, and I would recommend that the work be readvertised, unless an extension of time is granted the contractor.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was received, and thirty days additional time granted, on condition that the contractor file a new bond.

The City Clerk submitted the following report :

Indianapolis, January 15, 1877.

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 W. Hudson vs. John Hauck for.....	\$29 26
Henry Clay vs. James K. P. Musselman for.....	22 60
Henry Clay vs. James K. P. Musselman for.....	19 20
Henry Clay vs. James K. P. Musselman for.....	19 20
Henry Clay vs. James K. P. Musselman for. . .	19 20
Henry Clay vs. John Young for	19 20
Henry Clay vs. John Young for.	19 20
Henry Clay vs. John Young for....	19 20
Henry Clay vs. John Young for.....	19 20
Henry Clay vs. Bridget Shaunessey for....	19 20
Henry Clay vs. Joseph Malin for	19 20

Henry Clay vs. John McKown for	19 20
Henry Clay vs. John McKown for	19 20
Henry Clay vs. Daniel Martin for	19 20
Henry Clay vs. Edward B. Saverage for	19 20
Henry Clay vs. Edward B. Saverage for	19 20
Henry Clay vs. J. H. Worman (christian name unknown) for	19 20

And would respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT,

City Clerk.

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

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, McGill, McGinty, Ransdell, Reed, Stratford, Thalman, Thomas, Webster, and Wright, William G.—16.

Negative—None.

His Honor, the Mayor, submitted the following report:

Indianapolis, January 15, 1877.

To the Common Council of the City of Indianapolis:

Gentlemen:—The amount of fines collected by me during the month of December, 1876, due the city treasury, is \$41.57, and the amount due the Home for Friendless Women for October, November and December, 1876, is \$94.45, which amounts I have paid the City Treasurer, as appears by his duplicate receipts filed herewith.

Respectfully submitted,

JOHN CAVEN,

Mayor.

Which was approved, and the amount of fines reported for the Home for Friendless Women ordered inserted in the next appropriation ordinance.

Also, the following communication :

Indianapolis, January 15, 1877.

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

Gentlemen :—Let me ask you, in behalf of the citizens of the city, to advertise all your city improvements in the Evening News, as that paper has a larger circulation than the Sentinel and Journal, and is so cheap a paper. I have a friend who has to pay 50 per cent. damages for street improvements on account of not taking the Sentinel.

Let me say there is a bad state of affairs with our police. We have a democratic temperance law, and they (the police) wont enforce it. Mr. Steinhauer gave me poor encouragement when I called on him to have the police carry out the laws concerning the saloons. Some of the police stated to me that they would lose their buttons if they did. This is a bad state of affairs.

Respectfully submitted,

ANDREW WALLACE.

The first section was referred to the Committee on Printing, and the last section was referred to the Police Board.

The Board of Health submitted the following report :

Indianapolis, January 8, 1877.

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 31th day of December, 1876, to 6 o'clock P. M., on the 6th day of January, 1877 :

Under 1 year	8
1 to 2 year	3
2 to 3 "	1
3 to 4 "	1
4 to 5 "	0
5 to 10 "	3
10 to 20 "	3
20 to 30 "	2
30 to 40 "	2
40 to 50 "	2
50 to 60 "	1
60 to 70 "	1
70 to 80 "	0

80 to 90 years.....	1
90 to 100 "	0
Above 100 "	0
Unknown	1
Total.....	<u>29</u>

Respectfully submitted,

J. W. MARSEE, Secretary Board of Health, pro tem. F. M. HOOK, M. D., President Board of Health.

Which was received.

Also, the following report

Indianapolis, January 8, 1877.

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 6th day of January, to 6 o'clock P. M., on the 13th day of January, 1877.

Under 1 year	9
1 to 2 years.....	1
2 to 3 "	2
3 to 4 "	3
4 to 5 "	3
5 to 10 "	4
10 to 20 "	1
20 to 30 "	3
30 to 40 "	4
40 to 50 "	0
50 to 60 "	2
60 to 70 "	2
70 to 80 years	2
80 to 90 "	1
90 to 100 "	0
Above 100 "	0
Unknown.....	1
Total.....	<u>38</u>

Respectfully submitted,

J. W. MARSEE, Secretary Board of Health, pro tem. F. M. HOOK, M. D., President Board of Health.

Which was received.

SPECIAL ORDER.

General ordinance No. 2, 1877, entitled :

An ordinance prohibiting any person from conducting any theatrical or negro minstrel exhibition, or engaging in any such exhibition as actor, doorkeeper, usher, manager, or in any other capacity.

Was read the second time and ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, and Wright, William G.—18.

Negative—Reed—1.

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

Indianapolis, January 15, 1877.

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

Gentlemen :—Your Committee on Judiciary and City Attorney, to whom was referred the communication of the Union Railway and Transfer Stock Yards Company, presented to the Council January 6, 1877, with instructions to report the same back on next Monday night, would respectfully present the following report :

As far as the power and duties of the City Council is concerned, and the position it occupies at present with regard to the legislation already taken in the matter of the ordinance pertaining to the Union Railway Transfer and Stock Yards Company, your committee have already embodied in a report made to the Common Council October —, 1876, as well as the bearings of the recent decision of the Supreme Court in the case of the "Indiana North and South Railway vs. The City of Attica," upon the power of the Council to enforce the conditions and stipulations of the contract on the part of the above Company, fully setting forth the legal status of the case, as well as the opinion of eminent legal gentlemen upon the same.

And in the absence of any instructions from the Council, your committee would report the communication of the above company back for such action as your honorable body may deem proper. If the Council desires to join the Union Railway and Transfer Stock Yards Company in a memorial to the legislature asking that the contract between the city and the above company be legalized and made binding on the part of the company, so that in the event of the Belt Road and Stock Yards being built the city can enforce the conditions and terms of the contract assumed by the company and entered into October —, 1876, it will be necessary to direct the Mayor to sign the memorial on the part of the city; and if the Council shall determine to join the company in such petition, it should be acted upon at an early day.

Respectfully submitted,

J. C. ADAMS,

D. M. RANSELL,

Committee on Judiciary.

R. O. HAWKINS,

City Attorney.

Which was received.

Mr. Ransdell submitted the following memorial:

Indianapolis, January 15, 1877.

To the Senate and House of Representatives of the State of Indiana:

Gentlemen:—The Common Council of the city of Indianapolis would respectfully represent to your honorable body, that—

WHEREAS, Upon the 18th day of September, 1876, a petition was presented to the Common Council of the city of Indianapolis, duly signed by a majority of all the resident freeholders of the said city, asking the said Council to aid in the construction of the railroad of the Union Railroad Transfer and Stock Yards Company, upon certain terms and conditions previously set forth in certain propositions submitted by the said company to the Mayor of the said city; and whereas, in obedience to the request of the said petitioners an ordinance was passed on the 16th day of October, 1876, complying with the said petition; and whereas, since the passage of the said ordinance, questions have been decided by the Supreme Court which have raised doubts as to the binding effect of certain conditions of the said ordinance:

Now therefore, the Common Council of the city of Indianapolis does hereby ask your honorable bodies that such legislation may be had as will make all the provisions of the said ordinance legal and binding.

Mr. Reed offered the following motion :

Moved, That the City Council join in the Union Railway Transfer and Stock Yards Company in a memorial to the Legislature, to pass an enabling act, legalizing the contract entered into between the said company and the city, as defined in general ordinance No. 51.

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

Which motion to lay on the table failed to pass by the following vote :

Affirmative—Councilmen Bugbee, Byram, Craft, Darnell, Morse, McGill, Thalman, and Wright, Arthur L.—8.

Negative—Councilmen Buehrig, Case, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Webster, and Wright, William G.—13.

Mr. Thomas was excused from voting.

Mr. Thalman offered the following substitute to Mr. Reed's motion :

Moved, That it is the sense of this Council that no action should be taken towards petitioning the legislature to legalize any act that this Council may have illegally passed—especially when it involves the city in so large an amount as the Belt Road proposition.

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

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

Affirmative—Councilmen Buehrig, Case, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Webster, and Wright, William G.—13.

Negative—Councilmen Bugbee, Byram, Craft, Darnell, Morse, McGill, Thalman, and Wright, Arthur L.—8.

On motion, the previous question was ordered by the following vote :

Affirmative—Councilmen Buehrig, Case, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, and Webster.—11.

Negative—Councilmen Bugbee, Byram, Craft, Darnell, Morse, McGill, Stratford, Thalman, Wright, Arthur L., and Wright, William G.—10.

The question being on the adoption of Mr. Reed's motion, the ayes and noes were demanded.

Those who voted in the affirmative were :

Councilmen Buehrig, Izor, Kenzel, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Stratford, Thomas, and Webster—12.

Those who voted in the negative were :

Councilmen Bugbee, Byram, Case, Darnell, Morse, McGill, Thalman, Wright, Arthur L., and Wright, William G.—9.

Mr. Craft being excused from voting.

So Mr. Reed's motion was adopted.

ROLL CALL.

Mr. Bugbee presented the following petition :

Indianapolis, January 15, 1877.

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

Gentlemen :—The undersigned, guardian of the estate of Lillie Galloway, a minor, respectfully shows that a part of said estate consists of 129 feet of the east end of lot number one (1) in square number thirty (30) in the city of Indianapolis. That in 1874 said part of lot was appraised for taxation at \$2,300.00, while the north half of the adjoining lot number 2, in said square number thirty, being 195 feet deep, was appraised at \$1,200.00, and the south half of said lot number 2, in square number 30, was also appraised at \$1,200.

Of the appraisalment of 1874 your petitioner does not complain, but mentions it for the purpose of calling your attention more particularly to the injustice of future appraisements. In 1875 lot number 1 in square thirty, belonging to my ward, was appraised at \$3,000.00, being an increase of \$700 over the appraisalment of 1874, while at the same time the north half and the south half of the adjoining lot number 2 was appraised at \$1,100.00 each, being a reduction of \$200 on the whole lot, and making a difference of \$900.00 in the appraised value of the two lots, in one year. In 1876 lot number one in square number 2, was appraised at \$2,500.00, and the north half and the south half of lot number 2, square number thirty, is appraised at \$900 each, or \$1,800.00 for the whole lot, and \$700 less than the appraisalment on lot number 1. Lot number 2 has a depth of 195 feet to a 30 foot alley, while lot number 1 has a depth of only 129 feet, without the advantage of an alley. Both lots front on Missouri street, better known as the Canal.

It is claimed, and I am willing to admit, that a corner lot is more valuable than an inside lot, but in this case the corner lot having a depth of 66 feet less than the inside lot, it appears to your petitioner that it much more than accounts for the supposed (and fictitious) difference in values.

Your petitioner asks that this matter may be investigated, by the proper committee, and that the taxes that have been paid on the excessive valuations of 1875 and 1876 (being \$1,500.00 for the two years), may be refunded, for the benefit of said estate.

The taxes for the two years have been paid.

Respectfully submitted,

GEO. F. MCGINNIS,
Guardian for Lillie Galloway.

Which was referred to the City Assessor and City Attorney.

Mr. Darnell presented the following petition :

Indianapolis, January 15, 1877.

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

Gentlemen :—Your petitioner, Lucy A. Waters, respectfully represents that she is now, and has been for more than five years last past, a resident of the city of Indianapolis, is of the age of more than thirty years, and has never been married; that all her property, personal and real, is situated in Indianapolis, and does not exceed five hundred dollars in value; and that at no time during her residence in Indianapolis has it exceeded in value that amount; that in the year 1872 her property real and personal, was assessed at \$150;

in 1873, \$400; in 1874, \$450; in 1875, \$500; that for the year 1872 she paid taxes to the city of Indianapolis amounting to \$2.25, for 1873 \$4.40, for 1874 \$4.95; said taxes so paid amounting in the aggregate to \$11.60. And your petitioner says that at the time said taxes were so paid by her she was not liable to pay taxes upon her property, being exempted therefrom by an act of the general assembly of the State of Indiana, approved December 21st, 1872—of which fact at the time she paid said taxes, and until within a short time past, she was entirely ignorant. For which reason she asks that your honorable body order the amount of taxes so paid by her to the Treasurer of the city of Indianapolis to be refunded to her out of the city treasury.

LUCY A. WATERS.

STATE OF INDIANA, MARION COUNTY, SS:

Subscribed and sworn to before the undersigned, a Notary Public in and for said county and state, this, the 21st day of December, A. D. 1876.

Witness my hand and notarial seal.

WM. W. H. McCURDY,

Notary Public.

Which was referred to the Committee on Accounts and Claims.

Mr. Schmidt offered the following motion:

Moved, That the Police Board be directed to examine into the charges made by the public newspapers of the city in the matter of what is known as the "give away" in the recent raid by the police on gamblers in this city.

Which was referred to the Police Board.

Mr. Steinhauer presented the following petition:

Indianapolis, January 15, 1877.

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

Gentlemen:—We the undersigned respectfully petition your honorable body to grant us the right of way to construct a switch from the Union Railway tracks, commencing west of Delaware street, thence across said street to the tract of ground between Delaware and Alabama streets, on a line and south of said Union tracks, known as the property of the McCarty heirs.

Respectfully yours,

COBB & BRANHAM

Which was received.

Mr. Case offered the following motion :

Moved, That Cobb & Branham be and are hereby granted the right to construct a railroad switch from the Union Railway tracks, commencing west of Delaware street, thence across said street to the tract of ground between Delaware and Alabama streets, on a line and south of said Union tracks, known as the property of the McCarty heirs; said switch to be constructed and governed by the ordinances now in force upon that subject—the city reserving the right to at any time to revoke the grant, and to require the said switch to be taken up.

Mr. McGill moved to refer the subject to the Committee on Railroads.

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

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

Affirmative—Councilmen Buehrig, Bugbee, Case, Craft, Darnell, Izor, Kenzel, Morse, McGinty, Pouder, Ransdell, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, and Wright, William G.—18.

Negative—Councilmen Byram, McGill, Stratford, and Wright, Arthur L.—4.

Mr. Case's motion was then adopted.

Mr. Stratford offered the following motion :

Moved, That the Committee on Revision of Ordinances and City Attorney be directed to prepare an ordinance defining the duties of the Chief of Police, and to present the same to this Council at its next meeting.

Mr. Reed moved to amend by instructing the committee to report an ordinance defining the duties and powers of the Police Board.

On motion by Mr. Ransdell, the whole subject was laid on the table, by the following vote :

Affirmative—Councilmen Byram, Case, Craft, Darnell, Izor, Morse, McGill, Pouder, Ransdell, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—16.

Negative—Councilmen Bugbee, Kenzel, McGinty, Reed, and Stratford—5.

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

Moved, That the Committee on Water Works and the City Civil Engineer be instructed to report, at the next meeting of the Council, the number of public hydrants or fire plugs now being paid for by the city, and what number are less than one thousand feet apart, on any one street, and how many have been erected and attached by direct order of the City Council; also, that said committee be directed to recommend whether the city should or should not demand a re-adjustment of water rates for citizens and city.

Which was adopted.

Also, the following motion :

Moved, That the City Attorney be instructed to report to the Council what number of public hydrants the city is legally bound to pay the Water Works Company for, and what price the city is legally bound to pay for each.

Which was adopted.

Also, the following motion :

Moved, That the City Attorney be instructed to report to the Council what action, by the Council, will be necessary to cancel the lease between Cottrell & Knight and the city of Indianapolis.

Which was adopted.

REPORTS FROM COMMITTEES.

Mr. Steinhauer, from the Committee on Public Buildings, submitted the following report :

Indianapolis, January 15, 1877.

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

Gentlemen :—Your committee, to whom was referred the account of Wiggins & Donnan against the city for two tin screens, 98 pounds at 35 cents per pound, amounting to \$34.30, having examined the same, respectfully report that the same could be had for \$20.00.

Respectfully submitted,

MICHAEL STEINHAUER,
W. G. WRIGHT,
WM. BUEHRIG,

Committee on Public Buildings.

Which was concurred in, and the Committee on Accounts and Claims instructed to incorporate the amount of twenty dollars in the next appropriation ordinance.

Mr. Craft, Chairman Fire Board, submitted the following report :

Indianapolis, January 15, 1877

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

Gentlemen :—The undersigned, members of the Fire Board, to whom was referred the motion of Mr. Adams, directing the purchase of 1200 feet of rope by the Chief Fire Engineer, in order to prevent crowds encroaching upon the Fire Department in time of fires, would report that we have fully considered the matter, and authorized the purchase of so much as may be necessary, not to exceed the amount contemplated in the motion.

We therefore return the motion, and recommend its passage.

Respectfully submitted,

W. H. CRAFT,
J. C. ADAMS,
J. L. CASE,

Fire Board.

Which was concurred in.

On motion, the Council adjourned.

 S. Loren Mayor.

Attest:

 Benj. Wright City Clerk.