

PROCEEDINGS
OF THE
COMMON COUNCIL.
REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
Monday, March 26th, 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 Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—23.

Absent—Councilmen Diffley and Pouders—2.

The proceedings of the regular session, held March 19th, 1877, were read and approved.

Sealed proposals for grading and graveling the first alley east of East street, running north and south from McCarty street to the first alley north of Buchanan street, were received, opened, read and referred to the Committee on Contracts.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report :

Indianapolis, March 26, 1877.

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

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

Contract and bond of Henry C. Roney, for building a wooden bridge over Pogues Run at the crossing of Ray street.

Bond \$1000. Bondsman, Richard Carr.

Also, a new bond filed by Wm. C. Shortridge, by reason of extension of time on contract for grading and graveling the first alley east of Meridian street, between Second and Fifth streets.

Bond \$400. Bondsman, John Shuman.

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was concurred in, and bond approved.

Also, the following report :

Indianapolis, March 26, 1877.

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 C. Shortridge, for grading and graveling the first alley east of Meridian street, between Second and Fifth streets—

2382.2 lineal feet at 17 cents.... .. \$404 97

Also, by order of the Council, I report a corrected and final estimate allowed John Greene for grading and graveling Wisconsin street and sidewalks from Mississippi to Meridian streets—

1726 lineal feet at 87 cents.....	\$1,501 62
1214 lineal feet at \$1.12½ cents.....	1,365 75
862 cubic yards excavation, water outlet, at 30 cents.....	258 60
Total....	\$3,125 97
Former payment.....	\$3,125 97

Respectfully submitted,

BERNHARD H. DIETZ,

City Civil Engineer.

Which was approved.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed William C. Shortridge for grading and graveling the first alley east of Meridian street, between Second and Fifth 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 Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Reasener, Reed, Schmidt, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

Also, the following estimate resolution :

Resolved, That the foregoing corrected and final estimate allowed John Greene for grading and graveling Wisconsin street and sidewalks, from Mississippi to Meridian 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 Bugbee, Byram, Case, Craft, Darnell,

Izor, Kenzel, Morse, McGill, McGinty, Reasener, Reed, Schmidt, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

The City Clerk submitted the following report :

Indianapolis, March 26, 1877.

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

Gentlemen :—I respectfully report the following affidavits now on file in my office for the collection of street assessments, by precept, to-wit :

Fred Gansberg vs. Edward H. Ferguson for.....	\$79 50
Fred Gansberg vs. Magdaline Heitz for.....	15 90
Fred Gansberg vs. Lars P. Hansen for	96 19
James W. Hudson vs. Water Works Company for.....	72 60
James W. Hudson vs. Mary A. Fiscus for.....	55 91

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT,
City Clerk.

Also, the following communication :

Indianapolis, March 26, 1877.

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

Gentlemen :—I respectfully request your honorable body to order precepts to issue against Edward H. Ferguson, Magdaline Heitz, and Lars P. Hansen. I have made repeated demands upon the parties named, but they have failed to pay. The amounts have been due since last October.

Respectfully, etc.,

FRED GANSBERG.

Which was received.

Also, the following communication :

Indianapolis, March 26, 1877.

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

Gentlemen :—I respectfully request your honorable body to order precepts

to issue against the Water Works Company, and Mary A. Fiscus, for the reason that I have been unable to collect the claims due me from said company and person, the Water Works Company refusing to pay on account of the uncertainty of their title to the ground, and Mr. Fiscus, the husband of Mary A. Fiscus, informed me that he could not pay the claim.

Respectfully, etc.,

JAMES W. HUDSON.

Which was received.

The report was then concurred in, and the precepts ordered to issue by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Reasener, Reed, Steinhauer, Thomas, Webster, Wright, Arthur L., and Wright, William G.—17.

Negative—None.

The City Attorney submitted the following report :

Indianapolis, March 26, 1877.

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

Gentlemen :—I would report that the case of The Central Plank Road Company vs. The City, has been tried since the last meeting of Council, and resulted in a verdict of \$2,500 against the city. The amount claimed by the company was \$7,000. I am of the opinion that this judgment can not be reduced below \$2,500, and would recommend that it be paid.

Respectfully submitted,

R. O. HAWKINS,

City Attorney.

Which was concurred in.

INTRODUCTION OF ORDINANCES.

Mr. Case introduced special ordinance No. 10, 1877, entitled :

An ordinance to provide for the grading and graveling of the first alley north of English avenue, between Cedar and Dillon streets.

Which was read the first time.

Mr. Craft introduced general ordinance No. 8, 1877, entitled :

An ordinance providing for the assessment of real and personal property in the city of Indianapolis, for the purpose of taxation for the year 1877.

Which was read the first time.

Mr. Craft moved to suspend the rules for the purpose of placing the above entitled ordinance upon its second and third reading and final passage.

Which motion was adopted, and the rules suspended by the following vote :

Affirmative—Councilmen Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

Negative—None.

General ordinance No. 8, 1877, entitled :

An ordinance providing for the assessment of real and personal property in the city of Indianapolis, for the purpose of taxation for the year 1877.

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

Affirmative—Councilmen Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative—None.

Mr. McGill presented the following petition :

Indianapolis, March 26, 1877.

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

Gentlemen :—Some months since I called your attention to the condition of West street, and petitioned for its repair. I now beg leave to again call your attention to the bad condition of said street, and will say that a portion of the street is impassable for heavy loaded teams; and that it is in a worse condition than many of the mud roads of the country. I earnestly hope that something may be done soon to put the street in a passable condition, for it is an important street in the commerce of our city.

Respectfully yours,

A. D. STREIGHT.

Which was referred to the Committee on Streets and Alleys.

Mr. Schmidt introduced special ordinance No. 11, 1877, entitled :

An ordinance to provide for grading and graveling, bowldering the gutters and curbing the sidewalks on Alabama street, between North and St. Clair streets.

Which was read the first time, and referred to the Committee on Streets and Alleys, to report in two weeks.

Mr. Schmidt introduced special ordinance No. 12, 1877, entitled :

An ordinance to provide for grading and graveling North Delaware street, between Washington street and Massachusetts avenue.

Which was read the first time, and referred to the Committee on Streets and Alleys, to report in two weeks.

Mr. Thalman presented the following petition :

Indianapolis, March 26, 1877.

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

Gentlemen :—The undersigned, property holder on the alley running from

New York to Michigan streets, between Blake and Minerva streets, pray your honorable body to pass an ordinance to improve the same.

Respectfully,

SAMUEL KEERS.

Which was received.

Mr. Thalman introduced special ordinance No. 13, 1877, entitled:

An ordinance to provide for grading and graveling the first alley west of Blake street, between Michigan and North streets.

Which was read the first time.

Mr. Adams presented the following petition:

Indianapolis, March 26, 1877.

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

Gentlemen:—The undersigned, owners of the real estate fronting on Clifford avenue, between Massachusetts avenue and Pogues Run, respectfully petition for the passage of an ordinance providing for the improvement of the above street by grading and graveling the same with good screened or raked gravel, and bowldering the gutters to a width of seven (7) feet.

And your petitioners will ever pray, etc.

S. A. FLETCHER, JR., 500 feet.

G. F. ADAMS, 432 feet.

Which was received.

Mr. Adams introduced special ordinance No. 14, 1877, entitled:

An ordinance to provide for the improvement of Clifford avenue, between Massachusetts avenue and Pogues Run, by grading and graveling the street with good screened or raked gravel, and bowldering the gutters to a width of seven (7) feet.

Which was read the first time, and referred to the Committee on Streets and Alleys, to report in two weeks.

ROLL CALL.

Mr. Adams presented the following petition:

Indianapolis, March 26, 1877.

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

Gentlemen:—The undersigned would respectfully petition your honorable body to refund them the sum of five hundred and twenty-five dollars, being the amount of city tax on 22 9-12 feet of w. s. of lot 11 square 57, for the year 1875, which tax was erroneously assessed, we having already paid tax on five hundred thousand dollars—our bank stock—in which amount was included the thirty-five thousand dollars assessed on the above property, we having bought the same out of our capital stock. As the matter now stands we have paid tax on the above described property twice, and as we have never understood the policy of the city to assess any property twice either equitable or just, therefore we would respectfully pray your honorable body to refund us the above amount.

Respectfully,

GEORGE TOUSEY,

Pres't Indiana National Bank of Indianapolis.

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

Also, the following petition:

Indianapolis, March 22, 1877.

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

Gentlemen:—Your petitioner would respectfully represent to your honorable body that on the 14th day of February, 1876, she paid to the City Treasurer the city taxes assessed on the west one-half ($\frac{1}{2}$) of 65 feet e. end of lot 12 square 36, in the name of Deloss Root, for 1873 and 1874. This payment was made by mistake, your petitioner intending to pay on $32\frac{3}{8}$ feet east side of lot 12, square 36, in the name of Lizzie E. Miller.

Your petitioner would therefore ask that the City Clerk be directed to credit the amount of taxes thus erroneously paid to $32\frac{3}{8}$ feet east side of lot 12 square 36, and that the taxes on west $\frac{1}{2}$ of 65 feet east end lot 12 square 36, be carried forward and charged to that lot as delinquent.

And as in duty bound your petitioner will ever pray.

LIZZIE E. MILLER.

Which was referred to the Committee on Finance.

Mr. Bugbee offered the following motion:

Moved, That the Street Commissioner be, and is, hereby directed to place wooden crossings at the intersection of Home avenue and Peru street. Also at the intersection of Lincoln avenue and Ash street.

Which was adopted.

Mr. Byram offered the following motion :

Moved, That Mrs. Hinchel have permission to move a house from near the corner of Ohio and Meridian streets to the corner of Agness and Michigan streets.

Which was adopted.

Mr. Craft presented the following petition :

Indianapolis, March 26, 1877.

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

Gentlemen :—A year has already passed since the undersigned petitioned your honorable body for the adjustment of certain matters relating to his property, and nothing has been done yet. Your petitioner begs leave to call your attention to the fact that he asks neither money nor anything by which the rights of others would become involved. You are therefore respectfully requested to now refer the matter to the City Attorney and the City Engineer, or to either of them. Such reference would relieve your petitioner from the necessity of waiting for the action of committees, whose meetings are such rare occurrences.

Respectfully,

CHRISTOPHER GAMPH,
By PHIL. RAPPAPORT, his Attorney.

Which was received.

Also, the following motion :

Moved, That the petition of Chris. Gamph be, and is, hereby referred to the Civil Engineer and City Attorney, with instructions to investigate the matters set forth, and report at our next meeting what action should be taken in the matter.

Which was adopted.

Also, the following motion :

Moved, That Mrs. Elizabeth Talbott be, and is, hereby granted permission to raise and relay the pavement in front of her property on North Pennsylvania street, at her own expense, and under the direction of the City Civil Engineer.

Which was adopted.

Also, the following motion :

Moved, That the City Attorney be, and is, hereby instructed to draw and report an ordinance amending the ordinance in regard to city license for peddlers in such a manner as that those who are too poor to pay for a license may receive such license without pay—if the same can be made without conflicting with the Charter.

Which was adopted.

Mr. Darnell offered the following motion :

Moved, That the City Assessor examine the assessment made against Frank Halls on lot 5, block 18, in Pierce & McKernan's subdivision of lots Nos. 11 and 12 of James P. Drake's addition to the city of Indianapolis, as he claims an over assessment of \$3.50, and report the same to this Council next Monday night.

Which was adopted.

Mr. Darnell presented the following claim :

Indianapolis, March 26, 1877.

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

City of Indianapolis to Johnson & Christerson, Dr.:

Original Contract—To extra work done on cistern, corner of Beecher and Shelby streets, according to instructions of Civil Engineer, for taking said cistern down and lowering same one foot—\$35.00.

Which was referred to the Fire Board.

Mr. Kenzel offered the following motion :

Moved, That George Kenzel be permitted to pave the sidewalk in front of his property on South West street, the same to be done at his expense and within thirty days; and the Civil Engineer is hereby instructed to give the grade stakes.

Which was adopted.

Mr. Morse presented the following petition :

Indianapolis, March 26, 1877.

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

Gentlemen :—Your petitioner would represent that through mistake she paid on lot 37, in Ray's subdivision of out-lot 159, which was erroneously transferred to my name instead of lot 37, in Ray's subdivision of out-lot 150—so that this lot is now delinquent.

I therefore ask your honorable body to refund to me the tax on lot 37, out-lot 159, and credit it on lot 37 out-lot 150.

For which I would ever pray, etc.

MARTHA E. BRADFORD

Which was referred to the Committee on Finance and City Assessor.

Mr. McGinty offered the following motion :

Moved, That the City Marshal be, and is, hereby directed to notify Coffin & Co. to remove the obstruction on Kingan street. They have built a platform across the whole street from their smoke house to the Pork House, which is very annoying to the property owners on said street.

Which was referred to the Committee on Streets and Alleys.

Mr. Ransdell offered the following resolution :

Resolved, That the petition of James J. Poyle, John S. Spann, William Love, John C. Wright, add J. M. Kitchen, praying for the laying out and opening of West Vermont street, from the first alley east of Douglass street (the present western terminus of Vermont street), west to Blake street, in a width of sixty (60) feet, be referred to the Commissioners, with instructions to assess benefits and damages, and to make due report, and that for the purpose of

opening and laying out such street as aforesaid, the Common Council do propose to appropriate such real estate and property as may be necessary therefor.

The said Commissioners are instructed to return, as part of their report, all petitions and notices.

The City Clerk is hereby directed to issue, and the City Marshal to serve the proper notices upon the Commissioners and property owners.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Steinhauer, Stratford, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—22.

Negative—None.

Mr. Reasener offered the following motion :

Moved, That the Street Commissioner be, and is, hereby instructed to fill a small culvert crossing under the sidewalks on Leoto street, between the C. H. & I. and the I. C. & L. R. R. tracks.

Which was adopted.

Mr. Steinhauer offered the following motion :

Moved, That the Street Commissioner be, and is, hereby instructed to replank the Delaware street bridge, where the same is needed.

Which was referred to the Committee on Bridges.

Mr. Thalman offered the following motion :

Moved, That the Street Commissioner be directed to plank over the head-gates across the mill race, to protect from damage teams hauling gravel for the city.

Which was adopted.

Also, the following motion :

Moved, That the Chief Fire Engineer be directed to examine as to the dangerous condition of a brick stable in the rear of No. 183 West Washington street, and to take such legal steps as are necessary to put the same in a safe condition.

Which was adopted.

Dr. Stratford offered the following motion :

Moved, That the City Attorney, Commissioner, and Committee on Parks, be directed to notify Dunlop and Boyce that unless they immediately fill their bond for the lease of the South Park, that their contract will be considered cancelled; and the committee are directed to lease said park to some other responsible parties on the same terms.

Mr. Byram moved to amend by striking out all after the word "cancelled."

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

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

Affirmative—Councilmen Buehrig, Bugbee, Kenzel, Morse, McGill, McGinty, Reasener, Reed, Stratford, Thalman, and Thomas—11.

Negative—Councilmen Adams, Byram, Case, Craft, Darnell, Izor, Ransdell, Schmidt, Steinhauer, Webster, Wright, Arthur L., and Wright, William G.—12.

Mr. Ransdell offered the following substitute to Dr. Stratford's motion :

Moved, That the Committee on Parks and City Attorney be instructed to notify the parties who recently leased the Southern Park, that unless they file their bond, as provided in the lease, within two weeks, that the contract will be void.

Which was adopted.

Mr. Darnell moved to suspend the rules for the purpose of placing on its final passage special ordinance No. 131, 1876.

Which motion was adopted, and the rules suspended by the following vote :

Affirmative—Councilmen Adams, Buehrig, Bugbee, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative—Councilman Stratford—1.

Special ordinance No. 131, 1876, entitled :

An ordinance to provide for grading and graveling Second street and sidewalks (where not already improved), between Meridian and Pennsylvania streets.

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

Affirmative—Councilmen Adams, Buehrig, Bugbee, Case, Craft, Darnell, Izor, Kenzel, Morse, McGill, McGinty, Ransdell, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—21.

Negative—Councilman Stratford—1.

REPORTS FROM COMMITTEES.

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

Indianapolis, March 26, 1877.

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

Gentlemen :—Your Committee on Finance and City Attorney, to whom was referred the petition of Noah Noble, asking to have the amount paid by him for a tax title refunded, for the reason that the property sold did not belong

to the party to whom, or against whom it was assessed, would report that we have examined the matter, and that the amount paid by Mr. Noble, with six per cent. interest from the date of payment, should be refunded to him.

We would recommend that the City Assessor be instructed to report the proper amount to the Committee on Accounts and Claims, and that the said sum be included in the next general appropriation ordinance.

Respectfully submitted,

A. L. WRIGHT,

N. S. BYRAM,

JOHN THOMAS,

I. W. STRATFORD,

Committee on Finance.

R. O. HAWKINS,

City Attorney.

Which was concurred in.

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

Indianapolis, March 26, 1877.

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

Gentlemen :—August Richter sets forth in a petition to the Common Council of February 12, 1877, that while he was Street Commissioner of the city, he was sued by the Canal Company for carrying into effect the provisions of a motion of the Common Council directing him to construct an arch under the canal where the same intersects Pogue Run. Suit was brought against the city, and also against Mr. Richter personally; in both suits judgment was rendered for costs. The city paid the costs in one case, but not for the one Mr. Richter was made a party to. The costs in the above case, as against Mr. Richter, twenty dollars and thirty-five cents (\$20.35), now stands as a lien against his property. He therefore prays the city to pay him the sum of \$20.35.

As Mr. Richter was an agent of the city, and sued for carrying into effect the order of the Common Council, and by reason of no personal act of his, your committee believe the city should pay the costs, and would therefore

recommend that the sum of twenty dollars and thirty-five cents (\$20.35), and the amount be inserted in the next regular appropriation.

Respectfully submitted,

J. C. ADAMS,

D. M. RANSELL,

Committee on Judiciary.

R. O. HAWKINS,

City Attorney.

Which was concurred in.

Mr. Craft, chairman of the Fire Board, submitted the following report :

Indianapolis, March 26, 1877.

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

Gentlemen :—The undersigned, members of the Fire Board, would report that the Chief Fire Engineer, under instructions from the Council, advertised for bids for furnishing the city with two thousand feet of hose, and the following have been received for the same, which accompany this report, viz:

First. Caswell & Co., of Chicago, two qualities of rubber hose, at 88 and 95 cents.

Second. Hildebrand & Fugate, of this city, Boston Belting Company's Star Hose, 90 cents. Boston Belting Co.'s Excelsior, \$1.00.

Third. Mooney, Smith & Taylor, of this city, New York Belting and Packing Co.'s Test Hose, at 90 cents.

Fourth. A. K. Bull, of this city, Star Rubber Co. Trenton, N. J., at \$1.00.

Fifth. Goodyear Rubber Company, at 90 cents.

Sixth. Vajen, New & Co., of this city, Boston Belting Co.'s Star Hose, at 89½ cents.

Seventh. Akron Rubber Works, White Anchor Hose, at \$1.00.

Eighth. I. B. Markey, Gutta Percha Rubber Co., New York, Carbolized Hose, 4 ply, at 95 cents; 5-ply at \$1.05.

Ninth. Geo. W. Snyder, of this city, New York Rubber Co.'s Hose, two qualities, at 80 and 95 cents.

We have thoroughly considered the bids, quality of hose, nature and force of the guaranty, and are of the opinion that the bid of the Akron Rubber Works is the best bid.

We would therefore recommend that Chief Fire Engineer, with the City Attorney, be, and are, hereby instructed to contract with the said Akron Rubber Works Company, the same to be made in conformity with the terms of their bid and proposed guaranty.

Respectfully submitted,

W. H. CRAFT,

J. L. CASE,

J. C. ADAMS,

Fire Board.

Which was concurred in by the following vote:

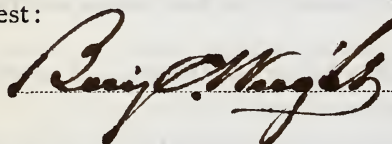
Affirmative—Councilmen Adams, Buehrig, Bugbee, Byram, Case, Craft, Darnell, Izor, Kenzel, Morse, Reasener, Reed, Schmidt, Steinhauer, Thalman, Thomas, Webster, Wright, Arthur L., and Wright, William G.—19.

Negative—Councilmen McGill, McGinty, and Stratford—3.

On motion, the Council adjourned.

 Mayor.

Attest:

 City Clerk.