

PROCEEDINGS  
OF THE  
COMMON COUNCIL.  

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL, }  
*Monday, July 30th, 1877—7½ o'clock P. M.* }

The Common Council of the City of Indianapolis met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—22.

Absent—Councilmen Cochran, Thomas, and A. L. Wright—3.

The proceedings of the regular session, held July 23d, and the called session, held July 27th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

## REPORTS FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was approved:

*Indianapolis, July 30, 1877.*

To the Mayor and Common Council:

*Gentlemen:*—I herewith report a first and final estimate allowed Fred. Gansberg, for grading and graveling California street and sidewalks, from Washington street to Maryland street—

840 lineal feet at 21 cents ... ..\$176 40

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.  
By R. M. PATTERSON, Asst. City Civil Engineer.

The following estimate resolution was then offered:

*Resolved, by the Common Council and Board of Aldermen,* That the foregoing first and final estimate allowed Fred. Gansberg, for grading and graveling California street and sidewalks, from Washington street to Maryland street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, 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 Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—20.

Negative—None.

The City Clerk submitted the following report; which was received, the contracts concurred in, and the bonds severally approved:

*Indianapolis, July 30, 1877.*

To the Mayor and Common Council:

*Gentlemen:*—I herewith report, for your approval,

The bond of the Indianapolis Sentinel Company, for doing the city advertising: Penalty of bond, \$1,000; giving, as surety, John J. Cooper.

Contract and bond of the Indianapolis Journal Company, for doing the city printing, binding, publishing the delinquent-tax list, and furnishing stationery supplies. Penalty of bond, \$3,000; giving, as security, J. M. Ridenour, E. L. Hastings, J. W. Smith, Isaac L. Hedges, and E. M. Johnson.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The same officer submitted the following report; which was concurred in:

*Indianapolis*, July 30, 1877.

To the Mayor and Common Council:

*Gentlemen*:—I herewith report the following affidavit, now on file in my office, for the collection of street assessment by precept, to-wit:

James Mahoney vs. John L. Dawson, for. . . . . \$2 85

And respectfully recommend that you order the precept to issue.

BENJ. C. WRIGHT, City Clerk.

The precept was then ordered to be issued by the following vote:

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—20.

Negative—None.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was duly received; and then read, considered, and duly concurred in, by clauses:

To the Mayor and Common Council:

*Gentlemen*:—At a meeting of the Board of Aldermen, held Wednesday evening, July 25th, 1877, the following action was had upon certain papers

transmitted from your honorable body, which I herewith report for your action upon the same :

1st. Appropriation ordinance No. 52, 1877, "Appropriating the sum of \$372.52 in favor of Fulton & Vance, for repairing and re-roofing the East Market House," was passed, after being amended, by reducing the amount allowed to \$365.92.

2d. The motion, granting permission to Harry Bates to put down an eight-inch sewer pipe in the alley through the north half of square 23, and to connect the same with the main sewer in Massachusetts Avenue, was amended by providing that such work should be done under the direction of the City Civil Engineer, and at said Bates's expense. The motion as amended, was then adopted.

3d. The resolution, which originated in the Board of Aldermen, and was adopted by your honorable body July 23, 1877 providing for the immediate cleaning of all streets, alleys, gutters, etc., was, on motion, laid upon the table

Respectfully submitted,

GEO. T. BREUNIG,

Clerk of Board of Aldermen.

Councilman Byram asked for leave of absence for Councilman A. L. Wright, who was out of the city; and said privilege was duly accorded.

#### INTRODUCTION OF ORDINANCES.

By consent, the Committee on Streets and Alleys, through Councilman Layman, introduced the following ordinance; which was read the first time :

Ap. O. 54, 1877—An ordinance appropriating money on account of the Street Repair Department of the City of Indianapolis.

On Councilman Layman's motion, the rules were then suspended for the purpose of now reading the above entitled ordinance the second and third times, and placing it on its passage, by the following vote :



Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—21.

Negative—None.

Appropriation ordinance No. 54, 1877, was then read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Reading, Reed, Sindlinger, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—21.

Negative—None.

#### SPECIAL ORDER.

In accordance with action had on July 16th [see page 264, *post*], by which the consideration of general ordinance No. 28, 1877, was postponed until this evening, said ordinance was now taken up.

G. O. 28, 1877—An ordinance amending an ordinance entitled "An ordinance providing for the compensation of the officers of the City of Indianapolis, and the officers and members of the Police and Fire Departments of said city, for the fiscal year ending May 15th, 1878; ordained and established May 30th, 1877,"

Was read the second time.

Councilman Reed moved that above ordinance be engrossed; which motion was not adopted.

On motion of Councilman Steinhauer, general ordinance No. 28, 1877, was then stricken from the files by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, McGinty, Pouder, Sindlinger, Steinhauer, Stoner, Tucker, Walker Watts, Wood, and W. G. Wright—18.

Negative—Councilmen Marsee, Morse, Reading, and Reed—4.

ROLL CALL.

Councilman Byram offered the following motion; which was adopted:

*Moved,* That the Committee on Revision of Ordinances is hereby instructed to report, on next Monday evening, an amendment to the first clause of section nine (9) of "An ordinance prescribing rules and regulations for the government of the City Council, its officers, and officers connected with the City Government," so that said clause shall be read: "The regular meetings of the Council shall be on the first and third Monday evenings of each month."

Councilman Dill offered the following motion; which was adopted:

*Moved,* That the Street Commissioner be instructed to immediately lower the gutter under the foot-bridges on west side of Tennessee street, at the crossing of Indiana avenue, so that the water may pass off unobstructed.

Councilman Izor offered the following motion; which was referred to the Committee on Streets and Alleys:

*Moved,* That the Street Commissioner be instructed to gravel that portion of the East Market Space that is in need of the same.

The Committee on Markets recommend that the above work be done.

MILTON POWDER,

ALBERT IZOR,

Committee on Markets.

Councilman McGinty offered the following motion; which was referred to the Committee on Streets and Alleys:

*Moved,* That the Street Commissioner be, and is hereby, directed to clean the gutters on West street, from Merrill to Ray streets, and haul a few loads of gravel, to fill a chuck-hole at the intersection of McCarty and West streets.

Councilman Reed offered the following motion: which was referred to the Committee on Printing, Stationery, and Advertising, with instructions to report the probable expense of said compilation:

*Moved*, That the City Clerk and the Committee on Printing, etc., are hereby authorized to contract, at once, for the compilation of an index and digest to the Proceedings of the Common Council for the last Council year; said index and digest to be patterned after that in the bound volume for 1871-2, and to be prepared at a cost not to exceed \$1.50 per page.

The same gentleman offered the following motion:

*Moved*, That Messrs. Vieira & Thompson have the privilege of placing as many Street Guides, in different points of the city, as they desire, without receiving any remuneration therefor, provided, that in the opinion of the City Attorney, the city runs no risk in so doing.

Which was adopted, after the adoption of the following amendment, offered by Councilman Marsee, and which was duly ordered to be added at end of original motion:

And that said parties file, with the City Clerk, their written pledge that no moneyed charge will be brought against the city for the Guides so placed.

Councilman Sindlinger presented the following petition; which was referred to the Committee on Sewers and the City Civil Engineer:

*Indianapolis, July 30, 1877.*

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on Illinois street, at corner of South and Illinois streets, respectfully petition that the present catch basins be removed, and the old style, made of brick, be substituted, inasmuch as the present iron catch-basins, now in use, are worthless, and are no protection whatever against the offensive smells arising therefrom.

And your petitioners will ever pray, etc.

J. W. Fleming, J. H. Stout, Wm. Essmann, Chris.  
Maille, Wm. Merrick, Charles Nilins, Charles  
V. Dantzer, Anthony Ball.

Councilman Stoner offered the following motion ; which was referred to the Committee on Streets and Alleys :

*Moved,* That the Street Commissioner be instructed to clean the gutters on Massachusetts avenue, between East and Noble streets

Councilman McGinty was excused for the balance of session.

Councilman Tucker offered the following motion ; which was adopted :

*Moved,* That the City Civil Engineer be, and is hereby, instructed to examine the Street Railway track, at the corner of Fletcher avenue and Pine street, and report to this Council if said track is below or above the grade of the street.

The same gentleman offered the following resolution :

*Resolved, by the Common Council and Board of Aldermen,* That the owners of the following described real estate, to-wit: Lots number two (2), three (3), and five (5), in Fletcher et al.'s subdivision of out-lot 91. in the city of Indianapolis, be, and they are hereby, required to fill or drain the same, as in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainega and filling up of ponds, excavations, and holes, and prescribing penalties for the failure to fill up or drain the same" ; and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance, provided that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax-duplicate for city purposes.

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, Pouder, Reading, Reed, Sindlinger,



Steinhauer, Stoner, Tucker, Walker, Watts, Wood and W. G. Wright—20.

Negative—None.

Councilman Watts presented the following petition; which was referred to the Committee on Streets and Alleys:

To the Honorable Board of Aldermen and Common Council of the City of Indianapolis:

We, the undersigned, citizens of the City of Indianapolis, do hereby most respectfully petition your honorable body, that the name of a certain street in our city (Indianapolis), called "Eutaw street," extending from the corner of Pratt and Paca streets, northwest, to First street, be changed to the name of "Pratt street," for the reasons, that said street is really a continuation of Pratt street (west), and for the reason that there is in the city another street called "Utah street," the pronunciation being the same, and the spelling being the only difference, whereby many visitors and strangers are inconvenienced and deceived, as well as citizens here.

R. T. Hart, 51 Eutaw street; G. I. K. Stanridge, 19 Eutaw street; James E. Watts, 419 Indiana avenue; N. H. Long, 419 Indiana avenue; Jake Watts, 419 Indiana avenue; A. Hedge, 31 Eutaw street; Charles Allentharp, 47 Eutaw street; Chas. Bogamire, 52 Eutaw street; Eliza C. Neff, 55 Eutaw street; C. B. Harrington, 70 Eutaw street; Bridget Kennedy, 74 Eutaw street; Geo. Holding, 71 Eutaw street; James Thomas, 48 Eutaw street; Warren Helton, 44 Eutaw street; Eliza Smith, 42 Eutaw street; George O. Jobes, 417 Indiana avenue; J. F. Daugherty, 417 Indiana avenue; G. W. Brown, 418 Indiana avenue; John W. Brown, 418 Indiana avenue; C. Held, 414 Indiana avenue; C. H. Hart, 411 Indiana avenue; W. P. Wilson, 412 Indiana avenue; W. W. Hoover, 408 Indiana avenue; C. Monninger, 390 Indiana avenue; Andrew Hornberger, 382 Indiana avenue; C. Abel, 349 Indiana avenue; Peter Rocker, 494 W. North street; John C. Wright, own several lots on said street.

The same gentleman offered the following motion ; which was adopted :

*Moved*, That the Street Commissioner be instructed to build a fence or banister-rail, on Michigan street, where said street crosses the old bed of Fall Creek, as a protection against runaway or scarey teams, and because, in its present condition, it is very dangerous to the traveling public.

Also, the following motion ; which failed to pass :

*Moved*, That the Street Commissioner be allowed an assistant for a term of sixty days from the passage of this motion, and that the Committee on Accounts and Claims have the privilege of appropriating one hundred dollars for the payment of said assistant.

Councilman Case presented the following invitation ; which, on motion, was accepted :

*Indianapolis*, July 30, 1877.

To the Honorable Mayor, Common Council, and Board of Aldermen of the City of Indianapolis :

*Gentlemen* :—You are respectfully and cordially invited to be present at a public exhibition of the Logan Hose Leak-Stopper, to be given on the corner of Meridian and Circle streets, at 5 o'clock P. M., Wednesday, August 1st, 1877. Said test will be given under the supervision of the Chief of Fire Department, Mr. W. O. Sherwood, and the undersigned patentees.

JOHN F. LOGAN,  
MICH'L H. CAIN.

PENDING ORDINANCES.

Councilman Reed called up general ordinances Nos. 30, 31, 32 and 33, and moved that the rules be suspended, for the purpose of now reading said ordinances the second and third times, and placing same on their passage.

Councilman Layman called up special ordinance No. 22, 1877, and made same motion as above.

The rules were suspended by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, Pouder, Reading, Reed, Sindlinger, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—21.

Negative—None.

The following general ordinance was then read the second time :

G. O. 30, 1877—An ordinance fixing the amount of license to be paid by the owner of the City Garden Theater.

Councilman Reed moved to amend section one of above ordinance by changing the language of same, immediately after ordaining clause, so that it should read :

“That the license of the City Garden Theatre, which shall be issued semi-annually, shall be fixed at the rate of one hundred dollars per annum, payable on the issuance of such license,” etc.

On Councilman Reed's motion, the above ordinance was then ordered to be engrossed, as amended.

Councilman Byram now moved to refer said ordinance to the City Attorney, with instructions to report whether the provisions of same are not in conflict with those of a certain ordinance, on page 325 of the printed compilation known as “Charter and Ordinances,” under the heading “Questionable Exhibitions and Performances.”

The “ayes and noes” were demanded on Councilman Byram's motion ; and a call of the same being had, the motion of reference was adopted by the following vote :

Affirmative—Councilmen Brown, Bugbee, Byram, Dill, Layman, Marsee, Stoner, Walker, Watts, Wood, and W. G. Wright—11.

Negative—Councilmen Bagby, Case, Izor, Morse, Pouder, Reading, Reed, Sindlinger, Steinhauer, and Tucker—10.

The following general ordinances were, also, read the second time :

G. O. 31, 1877—An ordinance to amend the ordinance entitled "An ordinance to prohibit the exhibition of Animals, Deformed Persons, or Monstrosities, within buildings or on grounds fronting on certain streets, and also, to prohibit certain exhibitions in any room or building wherein intoxicating liquors are sold; ordained March 14, 1864."

G. O. 32, 1877—An ordinance to amend section 2 of an ordinance entitled "An ordinance to prohibit the exhibition of Animals, Deformed Persons, or Monstrosities, within buildings or on grounds fronting on certain streets, and, also, to prohibit certain exhibitions in any room or building wherein intoxicating liquors are sold; ordained March 14, 1864."

At the end of the reading of each of the above, on motion of Councilman Byram, their further consideration was postponed for two weeks, and the same reference and instructions were given as in the case of general ordinance No. 30.

The following general ordinance was then read the second time :

G. O. 33, 1877—An ordinance to amend section 1 of "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; ordained January 15, 1877."

And, on Councilman Byram's motion, its further consideration was, also, postponed for two weeks, and said ordinance was referred to the City Attorney, with instructions to report whether the provisions of same are not in conflict with those of general ordinance No. 2, 1877, commonly known as the "Sunday Law," and recorded in General Ordinance Book No. 3, on page 365.



S. O. 22, 1877—An ordinance to provide for grading and graveling Sixth street and sidewalks, between Delaware and Alabama streets,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Case, Dill, Izor, Layman, Marsee, Morse, Reading, Reed, Sindlinger, Steinhauer, Stoner, Tucker, Walker, Watts, Wood, and W. G. Wright—20.

Negative—None.

#### CALL OF COMMITTEES.

The Committee on Streets and Alleys, through Councilman Watts, submitted the following report; which was read, considered, and duly concurred in, by clauses :

*Indianapolis, July 30, 1877.*

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

*Gentlemen* :—Your Committee on Streets and Alleys, to whom was referred sundry papers, would report on the following, to-wit :

1st. Is a petition from Dr. L. D. Waterman, stating that the drainage on New Jersey street, between Eighth and Ninth streets, is incomplete, leaving a pond of water in front of lots 165 and 169, in Allen & Root's addition, on said street, and asking that the City Civil Engineer be instructed to place a drain pipe from said pond, northward, to the State Ditch.

We would report that it would require one hundred and fifty feet of drainage pipe; and the Civil Engineer estimates that the cost of said work would be \$170. We, therefore, recommend that the Street Commissioner be instructed to clean out the gutters where said drain pipe is wanted, so the water will flow off, and would further recommend that the drain pipe be not laid down at this time.

2d. Is a motion from the Board of Aldermen, suggesting to the Common Council the propriety of appointing a special committee of three, composed of two Councilmen and one Alderman, with instructions to inquire into and

report whether or not the present plan of cleaning and repairing of streets is not much more expensive than necessary for the amount of work done; also, whether or not, by proper attention, many leaks might be stopped in this Department.

We would respectfully report that we are not aware of the existence of any leaks in this Department, and we believe that the repairing and cleaning of streets is managed in an economical manner. We therefore do not see the propriety of the appointment of such committee, and would recommend that the motion be not adopted.

3d. Is a motion, instructing the Street Commissioner to fill the chuck-holes, with gravel, on College avenue, between Christian avenue and Tinker street, and on Central avenue, between its southern terminus and Tenth street.

We would, respectfully, recommend that the motion be adopted.

4th. Is a motion, instructing the Street Commissioner to fill chuck-holes on Huron street, between Virginia avenue and Noble street.

Would recommend that the motion be adopted.

5th. Is a motion, that the Street Commissioner be instructed to kill out the Canada thistles in the street south of Military Park, under the directions of Mr. Otwell, Military Park Policeman.

Would recommend that the motion be adopted.

6th. Is a motion, instructing the Street Commissioner to place a wooden culvert at the intersection of Eighth and Alabama streets.

Would recommend that the work be done.

Respectfully submitted,

JAMES E. WATTS,  
JAMES T. LAYMAN,  
GEO. P. WOOD,

Committee on Streets and Alleys.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest:

BENJ. C. WRIGHT, City Clerk.