

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL, }  
*Monday, August 6th, 1877—7½ o'clock P. M.* }

The Common Council and Board of Aldermen of the City of Indianapolis, together with the City Clerk and City Assessor, met as a Board of Equalization, pursuant to the following advertisement :

NOTICE TO TAX-PAYERS.

OFFICE OF THE CITY CLERK, }  
*Indianapolis, Ind., July 23, 1877.* }

Notice is hereby given to tax-payers, that, in pursuance of the provisions of section 59 of the City Charter, the Common Council and Board of Aldermen, together with the City Clerk and City Assessor, will meet at the Chamber of the Common Council, in the City of Indianapolis, on Monday evening, August 6, 1877, as a Board of Equalization, to hear and decide complaints, if there be any, and equalize the appraisements, for the year 1877, as right and justice may require.

By order of the Common Council and Board of Aldermen.

BENJ. C. WRIGHT, City Clerk.

A roll-call was had, from which it appeared the following were present :

His Honor, the Mayor, John Caven, in the chair, Benj. C. Wright,

City Clerk, William Hadley, City Assessor, and the following members: Alderman Chandler, and Councilmen Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Reed, Sindlinger, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

His Honor expressed the opinion that the provisions of the City Charter, as modified by the "Aldermanic Law," passed by the State Legislature on March 5th, 1877, required a clear majority of both Aldermen and Councilmen to be present to constitute a full and legal Board of Equalization, and, therefore said Board adjourned its session until later in the evening.

The Common Council then convened in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—19.

Absent—Councilmen Bugbee, Pouder, Reading, Stoner, Thomas, and Wood—6.

The proceedings of the regular session, held July 30th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

Sealed proposals for connecting the public drinking-fountains with nearest adjacent water-hydrants, were received, opened, read, and referred to the Committee on Contracts and the City Civil Engineer.

#### REPORTS FROM CITY OFFICERS.

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

*Indianapolis, August 6, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—I was directed to examine the Street Railway tracks, at the corner of Fletcher avenue and Pine street, and report if said tracks were above or below the grade of the street.

I have made the necessary examination, and find the rails at the north line of Fletcher avenue, and at the west line of Pine street, are with the grade, but, at a point between the lines mentioned, the north rail is three (3) inches below the street grade

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.

By R. M. PATTERSON, Asst. City Civil Engineer.

The same officer submitted the following report ; which was received :

*Indianapolis, August 6, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—In compliance with orders of the Council, I have prepared and herewith present, the following ordinances :

For grading and graveling the first alley east of Franklin street, between Yeiser and Nebraska streets.

For grading and graveling the first alley west of Franklin street, between Coburn and Nebraska streets.

For grading and graveling Franklin street and sidewalks, from Nebraska street to the first alley north of Yeiser street.

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.

By R. M. PATTERSON, Asst. City Civil Engineer.

The following special ordinances were then introduced, and read the first time :

S. O. 23, 1877—An ordinance to provide for grading and graveling the first alley east of Franklin street, between Yeiser and Nebraska streets;

S. O. 24, 1877—An ordinance to provide for grading and graveling the first alley west of Franklin street, between Coburn and Nebraska streets;

S. O. 25, 1877—An ordinance to provide for grading and graveling Franklin street and sidewalks, from Nebraska street to the first alley north of Yeiser street.

The City Clerk submitted the following report; which was received:

*Indianapolis, August 1, 1877.*

To the Mayor and Common Council:

*Gentlemen:*—I herewith submit an itemized statement of the amount of orders issued on the City Treasurer, during the month of July, 1877:

NATURE OF CLAIM.	AMOUNT.
City Assessor's Assistants . . . . .	\$374 00
City Civil Engineer's Department . . . . .	301 55
City Hospital and Branch . . . . .	797 38
Bridges . . . . .	451 53
Elections . . . . .	40 00
Fire Department . . . . .	7,245 15
Gas . . . . .	6,940 75
Ice . . . . .	32 75
Incidental . . . . .	292 25
Markets . . . . .	380 92
Nuisances . . . . .	175 00
Parks . . . . .	72 00
Police . . . . .	3,846 50
Posting Bills . . . . .	25 50
Printing, Stationery, and Advertising . . . . .	447 11
Salary . . . . .	2,055 63
Station Houses . . . . .	415 73
Street Improvements . . . . .	90 68
Street Repairs . . . . .	2,944 38
Taxes Refunded . . . . .	21 50
Tomlinson Estate Repairs . . . . .	36 00
Interest on Bonds . . . . .	45,069 75
Total . . . . .	\$72,056 06

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The same officer submitted the following report from the City Treasurer; which was received:

Report of the City Treasurer, showing Receipts and Disbursements during July, 1877:

RECEIPTS.

Balance on hand July 1, 1877 . . . . . \$154,409 91

From taxes collected.....	20,447 63
From all other sources.....	3,401 67
Total.....	<u>\$178,259 21</u>

## DISBURSEMENTS.

Assisting City Assessor.....	\$381 59
Board of Health.....	102 89
Bridges.....	451 53
Cisterns.....	17 91
Civil Engineer's Department.....	304 03
Elections.....	107 50
Fire Department.....	9,462 36
Gas.....	6,940 75
Hospital.....	1,491 12
Interest on bonds.....	45,069 75
Insurance.....	100 00
Incidental.....	354 05
Ice.....	32 75
Markets.....	380 92
Nuisances.....	175 00
Printing.....	433 61
Police.....	3,882 63
Parks.....	72 00
Posting Bills.....	25 50
Refunding Sewer Assessment.....	67 79
Salary.....	2,093 84
Street Repairs.....	3,277 20
Station House.....	441 84
Taxes Refunded.....	21 50
Tomlinson Estate Repairs.....	36 00
Balance on hand August 1, 1877.....	<u>102,535 15</u>
Total.....	<u>\$178,259 21</u>

HENRY W. TUTEWILER, City Treasurer.

TO BENJ. C. WRIGHT, City Clerk.

*Indianapolis, August 6, 1877.*

The City Assessor submitted the following report; which was received:

*Indianapolis, August 6, 1877.*

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

Gentlemen:—I herewith transmit my annual report of the taxable property

of the City of Indianapolis, for the year 1877, showing the total value of taxable property :

Value of lots .....	\$26,983,900
Value of improvements.....	16,526,115
Value of personal.....	11,537,655
Total amount of taxable property.....	\$55,047,670
Number of polls.....	12,602

Respectfully submitted,

WILLIAM HADLEY, City Assessor.

The Street Commissioner submitted the following report ; which was received :

*Indianapolis, August 6, 1877.*

To the Mayor, Common Council, and Board of Aldermen :

*Gentlemen*.—I have the honor to submit the following report of work done in my Department from July 2d, 1877, to August 1st, 1877 :

Hauled and spread gravel on the following streets : On Virginia avenue, from Louisiana to Buchanan street ; Indiana avenue, from North street to Fall Creek ; Fort Wayne avenue, from Pennsylvania street to Christian avenue ; South street, from East to Noble street ; Huron street, from Virginia avenue to Noble street ; and on Christian avenue, from College avenue to Ash street.

Repaired the bowldered streets, as follows : Meridian street, from Washington to Louisiana street ; Pearl street, from East to Illinois street ; Maryland street, from Meridian to Illinois street ; Massachusetts avenue, from Alabama to Noble street ; Virginia avenue, at the crossing of New Jersey street ; and on Indiana avenue, at the crossing of Mississippi street.

In repairing the bowlders on Massachusetts avenue, from Alabama to Noble street, I find 379 yards belonging to the Water-Works Company ; on Meridian street, from Washington to Louisiana street, 23 yards ; and on New Jersey, near Walnut street, 6 yards. Total, 408 yards, which I have repaired at a cost of 20 cents per yard. And on repairing Virginia avenue with gravel, I have hauled and spread 27 yards upon the Water-Works' ditches, at a cost of 45 cents per yard. Total amount expended upon the Water-Works' ditches, \$93.75.

Repaired and re-set 93 bridges and culverts.

Placed 35 new foot-bridges, and 10 new culverts, on different street-crossings.

Repaired the drinking-fountain on College avenue, near Seventh street.

Repaired the catch-basin at the corner of Illinois and Maryland street.

Placed trap in catch-basin in the Tunnel.

Pay Rolls .....	\$2,306 58
Clemens Vonnegut, hardware.....	39 74
C. H. Roney, curbing and bowldering....	50 50
Coburn & Jones, lumber.....	200 62
Ike King, blacksmithing.....	13 73
E. R. Hutton, oak lumber.....	8 40
McDonough & Townsend, stone pipe.....	2 17
Indianapolis Rolling Mill, cinders.....	25 06
James Childers, bowlders.....	51 00
Hamilton Bailey, sand delivered....	43 00
Aaron Grube, lumber .....	94 46
I. P. & C. R. R., freight .....	41 68
John Treter, repairing sewer.....	20 50
Samuel Patterson, gravel .....	20 00
T. Murphy, bowlders.....	27 00
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Total.....	\$2,944 38

Respectfully submitted,

L. A. FULMER, Street Commissioner.

On motion, the City Clerk was directed to deduct the repairs done on account of Water-Works Company from the next allowance made said company.

The Superintendent of the City Hospital submitted the following reports ; which were received :

Report of Expenditures on account of City Hospital and Branch, for the month ending July 31st, 1877 :

Total Expenditures for month .....	\$293 07
Cash collected from pay patients, and paid to City Treasurer (duplicate receipt herewith)....	12 00
Net Expenditures for the month.....	771 24
Aggregate number of days subsistence furnished.....	906
Average expense per capita per diem of patients.....	85½ cts.
Average expense per capita per diem of patients and employes....	55 cts.

W. R. DAVIS, Superintendent,

Report of the City Hospital and Branch, for the month ending July 31st, 1877:

NO. OF BEDS IN HOSPITAL—100.	First Week.	Second Week.	Third Week.	Fourth Week.	Three Days.	Total.
Number of Patients at last report—adults.....	21	27	25	25	22	.....
Number of Patients at last report—infants.....	3	4	2	2	1	.....
Received New Patients—adults.....	11	9	6	10	3	39
Births, or Received—infants.....	2	2	.....	1	.....	5
Discharged—adults.....	5	11	6	11	.....	33
Discharged—infants.....	1	2	.....	2	.....	5
Died—adults.....	.....	.....	.....	2	1	3
Died—infants (1 stillborn).....	.....	2	.....	.....	.....	2
Number of Patients remaining—adults.....	27	25	25	22	24	.....
Number of Patients remaining—infants.....	4	2	2	1	1	.....
Number of Patients in Branch—adults.....	.....	.....	.....	.....	.....	.....
Number of Patients in Branch—infants.....	.....	.....	.....	.....	.....	.....
Aggregate No. days of Patients in Hospital—adults.....	182	206	184	183	70	825
Aggregate No. days of Patients in Hospital—infants.....	23	27	14	14	3	81

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was received from the Board of Aldermen :

To the Mayor and Common Council :

*Gentlemen* :—At a meeting of the Board of Aldermen, held Wednesday evening, August 1st, 1877, the following proceedings were had; which I herewith submit for your action upon the same :

1st. The resolution of your honorable body, adopted July 16th, 1877, providing for discontinuing the use of one hundred and fifty fire-plugs on and after August 1st, 1877, was amended, so as to provide for discontinuing the use of one hundred fire-plugs, on and after August 15th, 1877. I herewith submit copy of said resolution, as amended.

2d. The Board of Aldermen refused to concur in the action of your honorable body, in instructing the Street Commissioner to place a wooden culvert at the intersection of Eighth and Alabama streets, as is contained in the report from the Committee on Streets and Alleys of July 30th, 1877.

Respectfully submitted,

GEO. T. BREUNIG,  
Clerk of Board of Aldermen.

The first clause of above report was concurred in. The amended resolution, referred to in said clause, reads as follows :

WHEREAS, In consequence of a limited revenue, it is necessary to curtail all and every avoidable expense attending the City Government ; and,

WHEREAS, It is believed by the members of this Council that the number of fire-plugs now being paid for by the city can, without detriment to the welfare of the Fire Department, be reduced; and,

WHEREAS, The City Attorney has given a written opinion that there is no contract existing between the city and Water-Works Company, wherein the city is compelled to use and pay for all the fire-plugs now erected ; therefore, be it

*Resolved*, That the City Marshal be, and is hereby, directed to give proper notice to the Water-Works Company of the intention of the city to dispense with the use and rent of one hundred of these fire-plugs, and that the city will decline to pay for that number from and after the fifteenth day of August, 1877.

*Resolved*, That the Chief Fire Engineer, together with the Fire Board, be directed to designate one hundred of the fire-plugs now in use, to be dispensed with, and that they notify the Water-Works Company of the location of the plugs so selected.

Action on the second clause was postponed on account of the absence of Councilman Bugbee, who had offered the motion referred to [see pages 251 and 302, *post*].

His Honor, the Mayor, presented the following communication and papers; which were received, and referred to the Committee on Judiciary and City Attorney :

OFFICE OF THE STATE HOUSE COMMISSIONERS, }  
Indianapolis, Ind., August 6, 1877. }

Hon. John Caven, Mayor of the City of Indianapolis :

*Dear Sir* :—I have the honor to lay before you and the honorable Common Council, through you, the communication of the Attorney General, abstract of title to State House real estate, and the petition of the New State House Commissioners, signed by his Excellency, Gov. Williams, the Secretary of said Commission, and the Attorney-General, requesting the city to cause a title to be made to the State for the property therein designated, for the erection and use of a State House thereon.

Which you will please lay before the Common Council, and request immediate action thereon, and greatly oblige,

Yours Very Respectfully,

W. C. TARKINGTON, Sec'y.

P. S. I wish to withdraw the abstract of title and the opinion of Attorney-General, after examination, and passage of ordinance.

W. C. Tarkington, Esq., Sec'y State House Commissioners :

STATE OF INDIANA,  
OFFICE OF ATTORNEY-GENERAL,  
Indianapolis, July 26, 1877. }

*Dear Sir* :—In obedience to the request of the Board, as communicated to me in yours of the 5th inst., I have the honor to state that I have caused an abstract to be made of the title to the property situate between Tennessee and Mississippi, Washington and Ohio streets, Indianapolis, and also made the other investigations necessary in the premises. Herewith I hand you the abstract.

You will perceive that it shows the title to a portion of the lots to be still vested in parties other than the State or City, by virtue of Sheriff's sales made in 1848.

But in the case of *Ketcham vs. The State*, 12 Ind. 620, Supreme Court held the Sheriff's sales to have been void. Therefore, the title to said lots is still in the City of Indianapolis.

In my opinion, it is necessary that the City of Indianapolis shall pass an ordinance, by its Common Council, and, accordingly, execute deeds for a portion of said square forty-eight, to the State of Indiana, in order to perfect the title of the latter to the same.

In 1872, the said Common Council passed a resolution to vest the title to said property in the State, as well as to vacate the parts of Market and Wash streets embraced within said squares 48 and 53, in consideration of the erection of a new State House. But I think it clear that such resolution is not sufficient in the premises, but the conveyance must be made through the vehicle of an ordinance and deed, as above named.

Accordingly, I have prepared a petition for such an ordinance to be made and deed executed, addressed to the Common Council of the City of Indianapolis, to be signed by your Commission and myself, which I recommend you present to said Council at the earliest opportunity.

Very Respectfully, etc.,

C. A. BUSKIRK, Att'y-Gen'l Ind.

ABSTRACT OF TITLE to all of Squares (48) forty-eight, and (53) fifty-three, in the City of Indianapolis, Marion County, Ind.

By an act of the 14th Congress, 1st session, chapter 57, approved April 19, 1816, four sections of land in Township 15, north of range 3 east, of the 1st principal meridian, are donated to the State of Indiana for a seat of Government.

According to the returns of the United States Surveyors, section 1 contains 658.20; section 2, 611.53; section 12, 640 acres; and section 11, on east side of White River, contains 448.20 acres, leaving 202.07 acres to be taken out of section 3.

By an Act of the 15th Congress, 2d session, chapters 83, 84, and 85, approved March 3, 1819, sections 1 and 12, and fractional sections 2 and 11, which lies on the east side of White River, and so much of section 3 as will make four entire sections, or 2,560 acres, shall constitute the above donation.

[The original survey of the City of Indianapolis, as made in the year 1821, is included within North, South, East, and West streets, embracing squares from 1 to 101 inclusive, which are subdivided into lots; and, in pursuance of an Act of 1824, out-lots numbering from 1 to 10 on the north, and 11 to 20, inclusive, on the south side of the city were laid off, and in 1825 an additional survey of out-lots, including 21 to 30 on the south, and 31 to 40 on the north side of the city was authorized. "H" is a square of 2 acres, laid out and sold for a brick yard, under authority of an Act of 1822. By an Act of 1827, the original plan of the city was modified by vacating parts of certain streets and alleys, as now represented, and squares numbered 11 to 20 inclusive on the north, and 78 to 101 inclusive on the south part of the city, were authorized to be sold as out-lots. The survey of the remaining part of the donation authorized by the law of 1831. Plat filed in the Recorder's office of Marion County, Indiana, July 5th, 1831.]

No. 1—Agent of the State to City of Indianapolis:

Deed, June 21, 1838; Vol. Q., page 433—Lots 1, 3, 10, 11, and 12 square 48, Indianapolis.

No. 2—Agent of the State to Robert Taylor:

Deed, February 25, 1838; Vol B., page 268—Lot 2, square 48, Indianapolis.

No. 3—Robert Taylor, by John D. Taylor, Att'y, to James Morrison:

W. Deed, December 9, 1836; Vol. G., page 614—Same lot 2. (For power of attorney herein, see Vol. G., page 613.)

No. 4—James Morrison and wife to Mordecai H. Cropper:

W. Deed, March 21, 1837; Vol. H., page 78—Same lot 2.

No. 5—Mordecai H. Cropper to City of Indianapolis:

W. Deed, June 15, 1839; Vol. K., page 243—Same lot 2.

- No. 6—City of Indianapolis to Mordecai H. Cropper :  
W. Deed, June 15, 1839; Vol. K., page 241—Same lot 3.
- No. 7—City of Indianapolis to Mordecai H. Cropper :  
Deed, June 14, 1839; Vol. K., page 242—same lot 3.
- No. 8—Mordecai H. Cropper to Elizabeth Fry :  
W. Deed, June 15, 1839; Vol. K., page 244—Same lot 3.
- No. 9—Elizabeth Fry, last will and testament, July 31, 1857 :  
Probated November 3, 1859; Will Record C., page 226.
- No. 10—Elizabeth Fry's Estate, by executor to Joseph B. Pitzer :  
Ex. Deed, October 18, 1863; Vol. 19, page 107—Same lot 3.
- No. 11—Joseph B. Pitzer and wife to Edward P. Gallup and Wm. P. Gallup :  
W. Deed, April 29, 1864; Vol. 21, page 256—Same lot 3.
- No. 12—Edward P. Gallup and Wm. P. Gallup to State of Indiana :  
W. Deed, March 14, 1873; Vol. 72, page 396—Same lot 3.
- No. 13—City of Indianapolis by Sheriff to John L. Ketcham :  
Shff. Deed, August 29, 1848; Vol. U., page 350—Same lot 10  
On a judgment of the Circuit Court, rendered December 10, 1847,  
John L. Ketcham vs. City Council of Indianapolis, for \$237.18 and  
costs. City of Indianapolis vs. Indianapolis & Bellefontaine R. R.  
Co., suit for possession; Vol. 14, pages 138 and 164, complete Record  
O., page 142, Circuit Court. (See deeds No. 24 and 15, below.)
- No. 14—John L. Ketcham and wife to John M. Talbott :  
W. Deed, September 14, 1849; Vol. W., page 347—Same lot 10.
- No. 15—John M. Talbott and wife to Indianapolis & Bellefontaine R. R. :  
W. Deed, October 3, 1849; Vol. W., page 384—Same lot 10.  
(Entry on margin of this deed, viz.: The title to lot 10, square 48,  
having failed, said Talbott has made satisfaction of his covenant of  
warranty this — day of —, 1861, and holds receipt accordingly.  
Signed, Indianapolis & Bellefontaine R. R. Co.; now I. P. & C. R. R.  
Co., by S. Yandes, Attorney.)
- No. 16—City of Indianapolis, by Sheriff, to John L. Ketcham :  
Shff. Deed, July 1, 1848; Vol. T., page 624—Same lot 11.  
On a judgment of the Circuit Court, rendered October Term, 1847,  
for \$237 18 and costs, John L. Ketcham vs. City Council of Indiana-  
polis. (See next.)
- No. 17—City of Indianapolis, by Sheriff, to John L. Ketcham :  
Shff. Deed, May 18, 1848; Vol. U., page 156—Same lot 12.  
On a judgment of the Circuit Court, rendered October Term, 1847,  
for \$237.18 and costs, John L. Ketcham vs. City Council of Indiana-  
polis. City of Indianapolis vs. John L. Ketcham, suit for possession,  
Vol. 14, pages 138 and 164, Circuit Court.

*Indianapolis, July 12, 1877.*

I hereby certify the foregoing to be a correct chain of title to, and incumbrance upon, said squares 48 and 53, as appears on examination of the Recorder's Office and General Judgment Dockets of the Circuit, Common Pleas, and Superior Courts of Marion County, Ind. No examination as to judgments against the City of Indianapolis.

JOSEPH T. ELLIOTT.

See *Ketcham vs The State*, 12 Ind. 620.

C. A. BUSKIRK, Attorney-General.

*Indianapolis, July 25, 1877.*

To the Honorable, the Common Council of the City Indianapolis :

The undersigned, the Board of State House Commissioners, by their Secretary, and the Attorney-General of the State, have the honor to present you the following petition :

That the Common Council pass an ordinance for the execution of the necessary deeds, to be executed on behalf of the City of Indianapolis, to the State of Indiana, to convey lots numbered two (2), ten (10), eleven (11), and twelve (12), in square numbered forty-eight (48), in said city; and also for the vacation of such portions of Market and Wabash streets as lie between Tennessee and Mississippi streets.

Herewith is handed you an abstract of title to said lots, and the opinion of the Attorney-General in respect thereto.

We have the honor to subscribe ourselves your obedient servants,

JAMES D. WILLIAMS,

W. C. TARKINGTON, Sec'y,

C. A. BUSKIRK, Atty-General Ind.

His Honor, also, introduced the following general ordinance; which was read the first time, and referred to the Committee on Judiciary and the City Attorney :

G. O. 34, 1877—An ordinance to amend section eleven (11) and twelve (12) of an ordinance entitled "An ordinance prescribing rules and regulations for the government of the City Council, its officers, and the officers of the City Government."

#### APPROPRIATION ORDINANCES.

The Fire Board, through Councilman Layman, introduced the following ordinance; which was read the first time :

Ap. O. 55, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Fire Department.

The Hospital Board, through Councilman Izor, introduced the following ordinance; which was read the first time:

Ap. O. 56, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis on account of City Hospital and Branch.

The Board of Police, through Councilman Brown, submitted the following report; which was received:

*Indianapolis, August 4, 1877.*

To His Honor, the Mayor, Common Council, and Board of Aldermen:

*Gentlemen* :—We herewith report appropriation ordinance for expenses of the Station House for month of July, and recommend the passage of the same.

We, also, report appropriation ordinance, drawn in favor of Albert Travis, Chief of Police, and calling for \$908, to pay for the services of four hundred and four Special Patrolmen, who served the night of July 26th, and fifty Special Patrolmen, who served July 27th; ordered by the Citizens Committee of Safety, and whose appointment by the Board has already been approved by your honorable bodies, in your called meetings of Friday, July 27th, and recommend the passage of the same.

W. D. WILES,  
M. L. BROWN,  
J. W. BUGBEE,  
Board of Police.

The ordinances were then read the first time:

Ap. O. 57, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

Ap. O. 58, 1877—An ordinance appropriating money for the payment of Special Patrolmen, employed July 26th and 27th, 1877.

The Committee on Accounts and Claims, through Councilman Layman, introduced the following ordinance; which was read the first time:

Ap. O. 59, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

The Committee on Benevolence and Hospitals, through Councilman Walker, introduced the following ordinance; which was read the first time:

Ap. O. 60, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Dispensary.

The Committee on Printing, Stationery, and Advertising, through Councilman Reed, introduced the following ordinance; which was read the first time:

Ap. O. 61, 1877—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

Appropriation ordinance No. 55, 1877, was then read the second time, ordered to be engrossed, and passed by the following vote:

Affirmative—Councilmen Bagby, Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 56, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 57, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 58, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 59, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 60, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

Appropriation ordinance No. 61, 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—18.

Negative—None.

By consent, the following communication was presented :

Indianapolis, August 6, 1877.

Hon. John Caven, Mayor:

Dear Sir: Mr. N. B. Abbott, of Columbus, Ohio, writes me, under date of the 4th: "I hope you can bring your Councilmen here, either Monday or Tuesday of next week." Also telegraph from him to-day:—"Let me know what time party will come."

I would ask of your honorable Council to appoint three (3) members of your honorable body to go to Columbus upon to-morrow evening or Wednesday morning; also for you, as Mayor, to give two from the Board of Aldermen. I will see that three citizens go.

Yours truly,

W. H. OTIS.

His Honor asked for self-nominations for above service, as he did not feel like imposing the same, at a possible sacrifice of official and private duties.

The following gentlemen, it was reported, would volunteer to undertake the trip and make the investigation:

Councilmen Cochran, Izor, Sindlinger, Steinhauer, and Watts, and Alderman Snider.

The Common Council then took a recess, to allow the re-assembling of the Board of Equalization.

#### BOARD OF EQUALIZATION.

The Board of Equalization was re-convened, and on roll-call there were found to be present:

His Honor, the Mayor, John Caven, in the chair, Benj. C. Wright, City Clerk, William Hadley, City Assessor, and the following members: Aldermen Chandler and Krug, and Councilmen Bagby, Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—21.

The City Attorney was appealed to, and rendered the opinion that a majority of the membership of the combined bodies would constitute a complete and legal Board of Equalization.

Under and by virtue of preceding *dictum*, the Board of Equalization proceeded to business.

The City Clerk called the roll of the Aldermanic Districts and Wards, for the hearing of complaints against the assessments of 1877.

No complaints were presented.

On motion of Councilman Reed, His Honor, the Mayor, was requested to appoint a special committee of five, to be selected from the representatives hailing from the five Aldermanic Districts, who shall assemble at the office of the City Assessor, on Tuesday morning, August 7th, 1877, at 10 o'clock, and meet from day to day for ten days, and to whom shall be referred "the assessment-lists and all complaints against any assessment"; reporting their proceedings back to the Board of Aldermen and the Common Council, at their future meeting or meetings as a Board of Equalization.

His Honor appointed the below-named as such special committee:

From First Aldermanic District—Councilman Joseph W. Bugbee.

From Second Aldermanic District—Alderman William D. Wiles.

From Third Aldermanic District—Alderman Henry Coburn.

From Fourth Aldermanic District—Councilman John L. Marsee.

From Fifth Aldermanic District—Councilman Michael Steinhauer.

On Councilman Byram's motion, the Board of Equalization then adjourned until Monday evening, August 13th, 1877.

#### COMMON COUNCIL RE-ASSEMBLES.

The Common Council was then "called from recess to labor," and the following additional proceedings were had:

#### ROLL CALL.

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

*Moved,* That the Street Commissioner be, and is hereby, instructed to fill the pond on Spruce street, near Woodlawn avenue.

The same gentleman offered the following motion; which was referred to the Fire Board and Chief Fire Engineer:

*Moved*, That the City Civil Engineer be, and is hereby, instructed to advertise for bids for building two fire-cisterns of 600 barrels each; one to be located at corner of Pleasant and Laurel streets, and one at corner of Hoyt avenue and Linden street, or near these localities, as the Fire Board may direct.

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

*Moved*, That a special committee of three be appointed, to ascertain the cost of stone, delivered in this city; also where, and on what terms, suitable ground can be procured, for the purpose of unloading and breaking such stone; said work to be done by the prisoners confined in the Station House and county jail, and the broken stone to be used in the improvement of the streets, as the Council may direct.

His Honor appointed, as the special committee required by preceding motion,—

Councilmen Brown, Sindlinger, and Marsee.

Councilman Byram offered the following motion; which was adopted:

*Moved*, That a committee of three be appointed to secure additional grounds for the burial of the dead, when the same is done at the expense of the city.

His Honor appointed, as the special committee required by preceding motion,—

Councilmen Byram, Walker, and Bagby.

The same gentleman presented a claim of M. S. Bodkin, for livery furnished the Police Force during the months of March and April, 1877, amounting to \$20.50, and to which was attached the affidavit of A. C. Dewey, Ex-Chief of Police.

On motion, the above-mentioned claim, etc., was referred to the Committee on Accounts and Claims.

Councilman Marsee moved that the Common Council do now adjourn. Lost.

Councilman Dill moved that the rules be suspended, for the purpose of receiving a report from the Committee on Revision of Ordinances, in response to a motion of instruction adopted by the Common Council on last Monday evening [see page 294, *post*]; which motion was adopted by the following vote:

Affirmative—Councilmen Bagby, Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—19.

Negative—None.

The Committee on Revision of Ordinances, through Councilman Dill, then submitted the following report; which was received:

*Indianapolis, August 6, 1877.*

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Revision of Ordinances, to whom was referred a motion instructing us to report a certain amendment to section nine (9) of "An ordinance prescribing rules and regulations for the government of the City Council," etc., herewith submit the necessary amendatory ordinance.

Respectfully,

J. B. DILL,  
ISAAC C. WALKER,  
N. S. BYRAM,

Committee on Revision of Ordinances.

Also, the following ordinance, which was read the first time:

G. O. 35, 1877—An ordinance to amend section nine (9) of an ordinance entitled "An ordinance providing rules and regulations for the government of the City Council, its officers, and officers connected with the City Government."

By consent, Councilman Reed was permitted to present the following petition; which was referred to the City Attorney:

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

The undersigned respectfully represents that he is the proprietor of a concert saloon, No. 68 E. Washington street, in said city, and prays that you will grant him a license to keep the same, upon payment of such sum into the City Treasury as may be deemed reasonable and just.

J. H. GRUENERT.

August 1, 1877.

Councilman Reed was excused for balance of session.

Councilman Cochran 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 82, 83, 84, 85, 64, 87, 88, 89, 56, 57 and 67, in Frederick Yeiser's Guardian's subdivision and addition to 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 drainage 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 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.*

The following communication from the Board of Health was attached to preceding resolution :

*Indianapolis, August 6, 1877.*

We are satisfied that the present condition of the aforesaid lots are detrimental to the public health; and, therefore, recommend that they be filled immediately.

Respectfully,

T. N. BRYAN, Pres't,  
HENRY JAMESON, Sec'y,  
Board of Health.

The resolution was then adopted by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—17.

Negative—None.

By consent, Councilman Steinhauer offered the following resolution :

*Resolved, by the Common Council and Board of Aldermen, That the owners of the following described real estate, to-wit: Lot No. 20 in Thomas A. Hen-*

dricks's subdivision of a part of out-lot No. 99, of 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 drainage 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, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—17.

Negative—None.

Councilman Marsee moved to suspend the rules, for the purpose of receiving the report from the Committee on Streets and Alleys; which motion failed of adoption by the following vote :

Affirmative—Councilmen Bagby, Brown, Cochran, Dill, Izor, Marsee, Morse, McGinty, and Sindlinger—9.

Negative—Councilmen Byram, Layman, Steinhauer, Tucker, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—8.

Councilman Marsee moved that the Common Council do now adjourn. Lost.

Councilman Layman presented the following petition; which was referred to the Committee on Finance and the City Assessor :

*Indianapolis, July 31, 1877.*

To his Honor, the Mayor, and Members of the Council and Board of Aldermen :

*Gentlemen* :—Your petitioners would respectfully represent that we are assessed double on the machinery in our mill, located on Alabama street. We embraced in our personal list \$1,500 for burrs, bolting-cloths, and other machinery, which the Assessor had included in the appraisalment of the mill.

We, therefore, ask your honorable body to refund to us the amount of \$21.00.

For which we would so pray.

Respectfully,

REILEY & McCLELLAND,  
430 N. Alabama street.

Councilman Marsee presented the following petition; which was referred to the Committee on Finance and the City Assessor:

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

*Gentlemen*:—The undersigned, late of the firm of Stough & Hugo, of the City of Indianapolis, respectfully represent to your honorable bodies that there is an error in their schedule for taxation, of credits, stocks, and other personal property held by them as a firm on the first day of April, 1876, as follows, to-wit:

In item No. 10, "Value of all goods and merchandise on hand," is reported \$575.00. This is incorrect. They were not then, nor ever have been, merchants, or had merchandise on hand to any amount at all. They were, on said first day of April, 1876, manufacturers of wagons, carriages, etc. They had then on hands manufactured goods to the amount of \$575.00. These figures should, therefore, have been opposite item No. 12.

Opposite item No. 12, aforesaid, are the figures \$1,500. This is incorrect, as they had, at said date, on hand no such an amount of manufactured goods, and no more than to the amount of \$575, as aforesaid. The figures of \$1,500 should have been opposite item No. 1, namely, "Credits or moneys at interest," and against which they are entitled to a credit, for *bona fide* indebtedness, of \$1,400, leaving a balance for taxation, on that item, of \$100.

Your petitioners say that they can not tell how these mistakes occurred, save that the list was made out hastily, and by a person unaccustomed to such work.

Wherefore, your petitioners pray your honorable bodies that their taxes may be rebated on the amount of fourteen hundred dollars, for which they are overtaxed as heretofore shown.

And this they will ever pray.

STOUGH & HUGO.

STATE OF INDIANA, }  
Marion County, } ss.

Charles A. Stough and Osceola Hugo each swears, that the matters and things set forth in the foregoing petition, are true in substance and in fact.

CHARLES A. STOUGH.  
OSCEOLA V. HUGO.

Subscribed and sworn to before me, this 6th day of August, 1877.

WILL. H. MARTZ,  
Notary Public.

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

*Indianapolis, August 3, 1877.*

Mr. G. Sindlinger:

*Dear Sir:*—I would respectfully ask you to have a crossing made over Pearl street on Tennessee street, if in your power. The property owners, from Pearl to Maryland, are now curbing and guttering this side of the street, and it will make a complete job to have it done now.

I would respectfully ask your influence to have it done.

Very truly yours,

A. A. HELFER.

Councilman Tucker offered the following motions; which were adopted:

*Moved,* That the City Marshal be, and is hereby, instructed to notify the Street Railway Company to repair, at once, the street between their rails, from East to Dillon street.

*Moved,* That the City Marshal be, and is hereby, instructed to notify the Street Railway Company to change their tracks at the corner of Fletcher avenue and Pine street, so as to correspond with the grade of the street.

Councilman A. L. Wright presented the following claim; which was referred to the Committee on Accounts and Claims:

August 3, 1877.

The City of Indianapolis

To F. W. Hamilton,

Dr.

For making and compiling an index of city tax and street improvement sales—vols. 1, 2, 3, and 4.....\$650.00

#### CALL OF COMMITTEES.

The Committee on Judiciary and the City Attorney, through Councilman Byram, submitted the following report; which was concurred in:

*Indianapolis, August 6, 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 petition of Fred. Ostermeyer and others, asking that the city assume the expense of the defense of the Noble heirs' suits, would report that we have examined the matter, and find that the city is made a defendant in part of the suits, on account of one of the school buildings and

the hose-reel house on E. Washington, and; therefore, will be compelled to defend the title to that property.

Your committee are of the opinion that it would not be advisable for the city to assume the expense of employing attorneys to defend all the cases. And they would recommend that the prayer of the petition be not granted, but that the City Attorney be instructed to act in concert with the attorneys of the other defendants in the suits in which the city is made a party.

Respectfully submitted,

N. S. BYRAM,

ROBERT B. BAGBY,

Judiciary Committee.

R. O. HAWKINS, City Attorney.

Councilman Walker moved that the Common Council do now adjourn. Lost.

The Committee on Streets and Alleys, through Councilman Watts, submitted the following report:

*Indianapolis, August 6, 1877.*

To the Mayor and Common Council:

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

1st. Is a communication from N. B. Abbott, Treasurer and Manager of the Columbus Paving Co., proposing to repair the wooden pavements in this city with concrete.

Your committee does not believe said plan to be a practicable one, for several reasons: The first, and most important of all, lies in the fact that the expense attending the proposed method of repair is too expensive; second, the property owners residing on the several streets which it is proposed to repair have not petitioned the Common Council and Board of Aldermen for their improvement; and, third, we are aware of the positive fact that the city's present financial condition will not admit of spreading concrete on decayed wooden blocks.

We, therefore, most respectfully recommend that the aforesaid proposition be not entertained.

2d. Is a motion, to instruct the Street Commissioner to clean the gutters on Massachusetts avenue, between East and Noble streets.

We recommend that above work be done.

3d. Is a motion, approved by the Committee on Markets, to instruct the Street Commissioner to gravel East Market Space, where needed.

We recommend that above work be done.

4th. Is a motion, to instruct the Street Commissioner to clean the gutters

on West street, from Merrill to Ray street, and to fill a chuck hole at the intersection of McCarty and West streets.

We recommend that above work be done.

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

Committee on Streets and Alleys.

On motion, action upon the first clause of above report was postponed for two weeks.

The remaining clauses were duly concurred in.

Councilman Steinhauer moved that the Common Council do now adjourn; which motion failed of adoption by the following vote :

Affirmative—Councilmen Bagby, Steinhauer, and Tucker—3.

Negative—Councilmen Brown, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Walker, Watts, A. L. Wright, and W. G. Wright—14.

The Committee on Public Buildings, through Councilman Cochran, submitted the following report; which was referred to the Committee on Accounts and Claims :

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

*Gentlemen* :—Your Committee on Public Buildings, to whom was referred the claim of Messrs. Anderson and Bagley (for \$30.44), would report that, in our opinion, the claim should not be allowed, but recommend that they be allowed the sum of twenty dollars (\$20.00).

Respectfully submitted,

W. M. COCHRAN,  
J. B. DILL,  
N. S. BYRAM,

Committee on Public Buildings.

The Committee on Streets and Alleys, through Councilman Watts, asked for, and were granted, two weeks' further time in which to report on the matter of J. H. Biddinger vs. Street Commissioner.

The following report from a special committee was duly approved :

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

*Gentlemen* :—Your committee, to whom was referred the petition of Hetherington & Benner, in relation to the factory of Bond & A lerdice, would respectfully report that the matter has been amicably adjusted.

I. C. WALKER,  
JOHN L. MARSEE,  
M. STEINHAUER,  
Special Committee.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.