

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL, }
Monday, August 27th, 1877—7½ o'clock P. M. }

The Common Council of the City of Indianapolis met pursuant to adjournment.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Bugbee, Case, Dill, Layman, Marsee, McGinty, Pouders, Reading, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—19.

Absent—Councilmen Brown, Byram, Cochran, Izor, Morse, and Tucker—6.

The proceedings of the regular session, held August 20th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

His Honor, the Mayor, read the following motion, adopted at the last meeting of the Council, viz.:

Moved, That when this Council adjourns, it adjourn to meet on Monday evening, August 27, 1877; and that the Judiciary Committee be requested to report, to said meeting, their recommendations regarding the several bonds referred to them by this Council.

His Honor announced that the Council was now ready to receive and act upon such reports.

The Committee on Judiciary not being prepared to report at this time, the following papers were presented, by unanimous consent of the Council.

The following communication from the Chief Fire Engineer was received, and leave of absence granted :

OFFICE OF CHIEF FIRE ENGINEER, }
Indianapolis, August 27, 1877. }

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

Gentlemen :—I would respectfully ask leave of absence for twelve days, to attend the fifth annual convention of Chief Fire Engineers, to be held in Nashville, on the fourth day of September, 1877.

Yours very respectfully,

W. O. SHERWOOD, Chief of Fire Dept.

The following message from the Board of Aldermen was received, and the action of said body concurred in :

To the Mayor and Common Council :

Gentlemen :—At the meeting of the Board of Aldermen, held Tuesday evening, August 21st, 1877, the motion adopted by your honorable body, granting permission to "Geo. Woodfill & Son, to grade and pave with brick the north side of St. Joseph street, from the first alley east of Delaware street to Pennsylvania street, at the expense of the property owners and under the direction of the City Civil Engineer," etc., was amended by striking out the words, "Geo. Woodfill & Son," and inserting in lieu thereof the words, "the property owners."

Respectfully submitted,

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

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

Indianapolis, August 21, 1877.

This certifies that we are personally acquainted with Johanna Ryan, a widow, the owner of lot mid. one third of lots 61, 62 and 63, Hanna Heirs' Add., worth \$500, and personal property amounting to \$10. And we further say that she is not worth in property or credits over the amount of the value we have placed in the certificate.

LAURANCE HANAHAN,
WILLIAM RILEY.

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

Gentlemen :—I petition your honorable body to refund to me the taxes of 1875, which I have paid in full, not knowing that I was entitled to an exemption on account of being a widow. I therefore ask your honorable body to refund to me the tax on \$500, amounting to \$7.50.

For which I would ever pray.

MRS. JOHANNA RYAN.

Councilman A. L. Wright presented the following petition; which was referred to the Committee on Accounts and Claims, City Attorney, and City Assessor :

To the Mayor and Common Council of Indianapolis :

PETITION OF HENRY L. BENHAM & CO., TO HAVE TAXES REFUNDED.

Henry L. Benham respectfully represents and shows unto your honors that heretofore, to-wit: On the first day of April, 1876, he and Edward A. Howland were, and for a long time prior thereto had been, partners in trade, doing and carrying on business in the City of Indianapolis, Indiana, under and in the firm name and style of H. L. Benham & Company, and that, as such partners, they had on hand on said day a large amount of personal property subject to city taxation, to-wit: the sum of twenty-two thousand and five hundred dollars; and that the greater part of said property consisted of promissory notes which they had, in the course of their business, taken from divers parties throughout the State.

And petitioner further, on oath, says: That in addition to said sum, they then had a large amount of promissory notes—ten thousand dollars—of which were, on the first day of April, 1876, wholly and entirely worthless and of no value whatever; but he says that by mistake, oversight, and inadvertence, said worthless notes were included in the tax assessment list of said year as a part of the personal property then owned by said firm and subject to taxation; and that the whole amount of personal property then on hand was listed as of the value of thirty-two thousand, five hundred dollars, when, in truth and in fact, they then had but twenty-two thousand and five hundred dollars of personal property. And petitioner says that the sum of one hundred and forty dollars and — cents tax has been paid upon said ten thousand

dollars of worthless notes so erroneously entered upon said tax list, as afore-aid, and that the payment of the same is wrongful, unjust, and oppressive, and he respectfully asks that said sum of one hundred and forty dollars be refunded. And for which he will every pray.

HENRY L. BENHAM.

Subscribed and sworn to this 16th day of June, 1877.

RICHARD J. BEAL,
Notary Public.

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

Indianapolis, August 27, 1877.


This certifies that I am personally acquainted with Bridget Gill, a widow, the owner of lot 17, McKernan & Pierce's subdivision out-lot 126, worth \$400, and personal property amounting to none, and that she is not possessed of any other property here or elsewhere; and that the valuation I have placed upon it is the fair cash value, as I verily believe.

JAMES W. DIXON.

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

Gentlemen:—I ask your honorable body to refund to me the sum of \$7.00, which I have paid on the lot above described for tax of 1876, having paid it without knowing that widows were entitled to an exemption of \$500. I therefore ask your honorable body to refund to me the above amount.

For which I would ever pray.

BRIDGET ^{Her}  GILL.
mark.

Councilman Marsee offered the following motion; which was adopted:

Moved, That the City Marshal be directed to notify the I. C. & L. R. R. Co. to repair Delaware street, where their tracks cross the same.

The Joint Committee, consisting of the Committees on Finance, Judiciary, and City Attorney, through the City Attorney, submitted the following report; which was concurred in, and the Committee on Accounts and Claims instructed to report an ordinance, allowing the claims, at the next regular meeting of the Council:

Indianapolis, August 27, 1877.

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

Gentlemen:—Your Committees on Judiciary and Finance, and City Attorney, to whom was referred the matter of the expenses incurred by the Com-

mittee of Safety and by their order during the late "strike," would report that we have examined the matter; and while we feel that the bills should be paid by the State, still, in view of the fact that the Common Council and Board of Aldermen passed a resolution, in which they assumed and agreed that the city should pay, or be responsible for, all the bills incurred by "The Committee of Safety;" and in view of the fact that the State has paid all the men, including the citizens who were formed into companies, and also those in the State service, their per diem, and also the expenses of those who were subject to the orders of the State authorities, and in so doing have exhausted the appropriation made by the Legislature; we think that the city should appropriate the sum necessary to pay the bills, and if possible induce the State Legislature to reimburse her at its next session. We feel that the bills should be paid at once, as the parties to whom they are due are citizens of our city, who advanced the necessary supplies upon the faith of the action of the city authorities, and are in need of the money.

We therefore recommend that an ordinance be passed, or that a sum be included in the next appropriation ordinance, sufficient to pay the bills, and that the same be paid out to the several parties upon the presentation of their bills, duly approved.

Respectfully submitted,

A. L. WRIGHT,

J. B. DILL,

J. THOMAS,

Committee on Finance.

J. W. BUGBEE,

ROBT. B. BAGBY,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

The Committee on Judiciary, through Councilman Bugbee, submitted the following report; which was considered and acted upon by sections:

Indianapolis, August 27, 1877.

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

Gentlemen:—Your Committee on Judiciary, together with the City Assessor and City Attorney, to whom was referred the bonds of Wm. M. Wiles, City Treasurer elect; Benj. C. Wright, City Clerk elect; and Wm. Hadley, City Assessor elect, would report that we have examined the same, and find them to be in the proper form, and for the amounts required by law and the ordinances of the city, and that the signers of the same are amply responsible for the amounts named in each. We would therefore recommend that the same be approved by the Council.

2d. The bond of The Citizens' Gas-Light and Coke Company was also referred to us. We would report that the bond limits the liability of the signers to the amount set opposite the respective signatures of each signer, and, with the exception of Mr. Frost, none of the signers fix their liability above two thousand dollars. We are of the opinion that the bond should not be in this form; that it should not be limited, but that it should be twenty-five thousand dollars, and signed by sureties without condition as to the liability of each signer. We have also examined the bond as to the responsibility of the signers, and are of the opinion that the bond, as presented to the Council, would not be security to the city for twenty-five thousand dollars. The ordinance requires the bond to be secured by "good and sufficient freehold security." We are of the opinion that a number of the signers are not responsible to the amount for which they sign the bond, and Mr. Frost, the signer for the largest amount, is not a resident of this State, and is not a freeholder here, although he may be amply responsible.

Since the bond was referred to your committee, the company have procured the signature of Samuel J. Patterson for fifteen thousand dollars, and C. E. Merrifield has increased the amount for which he is liable to four thousand dollars. With these additions your committee are of the opinion that the security is good for the sum of twenty-five thousand dollars; but that the form of the bond is not such as the city ought to approve or accept.

Respectfully submitted,

J. W. BUGBEE,

Committee on Judiciary.

R. O. HAWKINS, City Attorney.

I concur in the above report, with the exception of the last clause, and recommend that the bond be approved.

ROBT. B. BAGBY.

The first section of the report was concurred in, and the several official bonds approved.

The second section of the report was taken up.

Councilman A. L. Wright moved that the minority report be concurred in, and the bond approved.

Councilman Thomas moved to lay Councilman Wright's motion to concur on the table.

The question being on the motion to lay upon the table, those who voted in the affirmative were:

Councilmen Bugbee, Pouder, Steinhauer, and Thomas—4.

Those who voted in the negative were :

Councilmen Bagby, Case, Dill, Layman, Marsee, McGinty, Reading, Reed, Sindlinger, Stoner, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—15.

So Councilman Thomas's motion was *not* adopted.

Councilman Wright's motion was then adopted, the minority report concurred in, and the bond approved.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest:

BENJ. C. WRIGHT, City Clerk.