

PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—SEPTEMBER 23, 1878.

The Common Council of the City of Indianapolis met in its Council Chamber, on Monday evening, September 23d, A. D. 1878, at half-past seven o'clock, pursuant to adjournment.

PRESENT--Hon. John Caven, Mayor, and, *ex officio*, President of the Common Council, in the Chair, and the following members: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Showalter, Steeg, and Walker—16.

ABSENT—Councilmen Dill, Layman, Morris, Reasner, Rodibaugh, Sindlinger, Tucker, Wiese, and Wright—9.

The Proceedings of the Common Council, for the adjourned session, held on July 29th, and of the regular session, held on August 5th, 1878, having been printed, and placed on the desks of the Councilmen, said proceedings were duly approved as published.

REPORTS FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Brown, submitted the following report; which was concurred in, and the several contracts were duly awarded, as therein recommended:

To the Mayor and Common Council:

Gentlemen:—The Committee on Contracts, to which was referred the proposals presented to Council September 16th, 1878, have examined the same, and find them to be as follows, to-wit:

First. For building a Fire-Cistern of 2500 barrels capacity, to be located and built according to specifications furnished by the City Civil Engineer—

R. P. Dunning, 47 cents per barrel.

John Schier, 37 cents per barrel.

Henry Clay, 35 cents per barrel.

A. Bruner, 35 cents per barrel.

H. C. Roney, 32 cents per barrel.

H. C. Roney being the lowest and best bidder, your committee recommend that he be awarded the contract.

Second. For grading and bowldering Georgia street, from Meridian street to Illinois street—

James Mahoney, \$1.75 per lineal foot front on each side.
 Fred. Gansberg, \$1.53 per lineal foot front on each side.
 Geo. W. Seibert, \$1.52 per lineal foot front on each side.
 D. A. Haywood, \$1.49 per lineal foot front on each side.
 Henry Clay, \$1.45 per lineal foot front on each side.
 Hart & Woche, \$1.44 per lineal foot front on each side.
 Jas. W. Hudson, \$1.44 per lineal foot front on each side.
 R. H. Patterson, \$1.35 per lineal foot front on each side.
 R. P. Dunning, \$1.19 per lineal foot front on each side.

R. P. Dunning being the lowest and best bidder, your committee recommend that he be awarded the contract.

Third. For grading and bowldering South street, and curbing the sidewalks thereof, from Meridian street to Pennsylvania street—

James Mahoney, \$1.60 per lineal foot front on each side, for grading and bowldering, and 35 cents per lineal foot front on each side for curbing.
 Hiram Seibert, \$1.53 per lineal foot front on each side, for grading and bowldering, and 32 cents per lineal foot front on each side for curbing.
 Geo. W. Seibert, \$1.49 per lineal foot front on each side, for grading and bowldering, and 32 cents per lineal foot front on each side for curbing.
 Fred. Gansberg, \$1.48 per lineal foot front on each side, for grading and bowldering, and 32 cents per lineal foot front on each side for curbing.
 D. A. Haywood, \$1.46 per lineal foot front on each side, for grading and bowldering, and 34 cents per lineal foot front on each side for curbing.
 Henry Clay, \$1.45 per lineal foot front on each side, for grading and bowldering, and 33 cents per lineal foot front on each side for curbing.
 Hart & Woche, \$1.44 per lineal foot front on each side, for grading and bowldering, and 33 cents per lineal foot front on each side for curbing.
 Jas. W. Hudson, \$1.44 per lineal foot front on each side, for grading and bowldering, and 33 cents per lineal foot front on each side for curbing.
 R. H. Patterson, \$1.33 per lineal foot front on each side, for grading and bowldering, and 39 cents per lineal foot front on each side for curbing.
 R. P. Dunning, \$1.17 per lineal foot front on each side, for grading and bowldering, and 33 cents per lineal foot front on each side for curbing.

R. P. Dunning being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fourth. For improving McCarty street, from Delaware street to East street, by bowldering the gutters, and paving with brick and curbing with stone the sidewalks thereof—

James Mahoney, \$1.05 per lineal foot front on each side for grading, bowldering, curbing, and paving.
 Robert Kennington, 45 cents per lineal foot front on each side for bowldering, 36 cents per lineal foot front on each side for curbing, and 37 cents per lineal foot front on each side for paving.
 James W. Hudson, 34 cents per lineal foot front on each side for bowldering, 33 cents per lineal foot front on each side for curbing, and 32 cents per lineal foot front on each side for paving.
 E. B. Elliott, 32 cents per lineal foot front on each side for bowldering, 37 cents per lineal foot front on each side for curbing, and 31½ cents per lineal foot front on each side for paving.
 D. A. Haywood, 35 cents per lineal foot front on each side for bowldering, 34 cents per lineal foot front on each side for curbing, and 26 cents per lineal foot front on each side for paving.
 George W. Seibert, 32 cents per lineal foot front on each side for bowldering, 31 cents per lineal foot front on each side for curbing, and 29 cents per lineal foot front on each side for paving.
 Fred. Gansberg, 33 cents per lineal foot front on each side for bowldering, 31 cents per lineal foot front on each side for curbing, and 27 cents per lineal foot front on each side for paving.

Hart & Woche, 29 cents per lineal foot front on each side for bowldering, 32½ cents per lineal foot front on each side for curbing, and 27½ cents per lineal foot front on each side for paving.

R. P. Dunning, 28 cents per lineal foot front on each side for bowldering, 33 cents per lineal foot front on each side for curbing, and 26½ cents per lineal foot front on each side for paving.

R. P. Dunning being the lowest and best bidder, your committee recommend that he be awarded the contract.

Fifth. For improving the first alley south of Vermont street, from Columbia street to West street—

R. P. Dunning, 14 cents per lineal foot front on each side.

Jas. Mahoney, 12 cents per lineal foot front on each side.

John Low, 12 cents per lineal foot front on each side.

John Low being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

M. L. BROWN,
M. H. McKAY,
T. C. READING,
Committee on Contracts.

The following contracts and bonds were then submitted, and the same were, on motion, severally approved, viz.:

Contract and bond of Henry C. Roney, for building fire-cistern awarded above. Penalty of bond, \$1,500; surety, Charles S. Roney.

Contracts and bonds (three in number) of R. P. Dunning, for making the improvements awarded above. Penalties of bonds, \$1,000, \$1,500, and \$2,000; surety on each bond, Albert R. Baker.

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

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to which was referred the proposal presented to Council on September 16th, 1878, for building a foot-bridge over the L. C. & L. R. R. tracks, at the crossing of Benton street, would report that only one proposal was submitted, and that by H. C. Roney, who proposes to build such foot-bridge for the sum of \$137, the city to furnish all the material necessary for the construction of such bridge.

Believing said bid too high, your committee report adversely to the awarding of the contract, and recommend that the Street Commissioner be directed to build said bridge, under the direction of the Board of Public Improvements and the City Civil Engineer, and expense of same be charged to the Bridge Account.

M. L. BROWN,
T. C. READING,
M. H. McKAY,
Committee on Contracts.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

The City Clerk was instructed to take up Special Ordinances on second reading in their order in the files; when the following action was had:

S. O. 18, 1878—An Ordinance to provide for grading and graveling Second street and sidewalks, from West street to Fayette street,

Was read the second time, and then, on Councilman Cummings's motion, it was stricken from the files.

S. O. 22, 1878—An Ordinance to provide for grading and bowldering Maryland street, and the north gutter thereof, from Illinois street to Tennessee street,

Was, also, read the second time, and then, on Councilman Walker's motion, it was stricken from the files.

On explanation given by Councilman McKay, President of the Board of Public Improvements, the foregoing ordinance was restored to the files by the adoption of a motion to reconsider the vote to strike, made by Councilman Walker, as follows :

AYES, 15—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, Off, Reading, Showalter, Steeg, and Walker.

NAYS—None.

The following entitled ordinances were also read the second time, and then, on motions duly made, were severally stricken from the files :

- S. O. 25, 1878—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Lord street, from Noble street to Cady street.
- S. O. 38, 1878—An Ordinance to provide for improving the alley running from Virginia avenue to East street, by grading and graveling.
- S. O. 39, 1878—An Ordinance to provide for improving the first alley west of Wright street, from Buchanan street to Coburn street, by grading and graveling.
- S. O. 40, 1878—An Ordinance to provide for improving McKernan street and sidewalks, from Coburn street to the first alley south of Coburn street, by grading and graveling.
- S. O. 44, 1878—An Ordinance to provide for the improvement of Macauley street, between West and Missouri streets, by grading and graveling.

The following entitled ordinance was read the second time, ordered to be engrossed, and read the third time, viz. :

S. O. 45, 1878—An Ordinance to provide for the improvement of the south sidewalk of Michigan street, from Meridian street to Pennsylvania street, by grading and paving the same with brick.

And was passed by the following vote :

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Showalter, Steeg, and Walker.

NAYS—None.

The following entitled ordinance was also read the second time, ordered to be engrossed, and then read the third time :

S. O. 46, 1878—An ordinance to provide for improving the alley between Delaware and Pennsylvania streets, from Home avenue to King street, by grading and graveling.

And was passed by the following vote :

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Showalter, Steeg, and Walker.

NAYS—None.

The following entitled ordinance was also read the second time, ordered to be engrossed, and then read the third time :

S. O. 47, 1878—An Ordinance to provide for improving the first alley south of Elizabeth street, from Blake street to Douglass street, by grading and graveling.

And was passed by the following vote :

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Showalter, Steeg, and Walker.

NAYS—None.

NEW ORDINANCES, ETC.

By consent, the following entitled ordinances were introduced, and read the first time :

Councilman Showalter introduced—

G. O. 48, 1878—An Ordinance to amend section two (2) of "An Ordinance regulating the Weighing and Sale of Coal and Coke in the City of Indianapolis (ordained February 5th, 1878)."

Councilman Maus introduced—

S. O. 50, 1878—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Agnes street, between New York and North streets.

Councilman Off presented the following remonstrances against the passage of Special Ordinance 48, 1878; which were duly received :

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

Gentlemen:—The undersigned, property holders on Highland street, would most respectfully remonstrate against the proposed improvement of said street, in the manner as well as extent of said improvement. To bowlder the gutters of a street so unimportant and little used as Highland street, is a wicked extravagance; and to improve said street to Miami street, which is unopened, thus making the north-

ern terminus of said street butt up against a fence, is worse than folly. Then, again, Highland street, for the most part, is in good condition now, and needs no improvement, the portion from Market street north having been improved at private expense heretofore, and is a smooth roadway, well graveled.

And finally, times are too hard at present to compel property holders to pay for improvements no worse needed than the present one. Further, the undersigned would show that the title to the property on both sides of Highland street is in litigation, and the title to the same is unsettled. That the petitioners for said improvements are none of them the owners of the property they claim possession of, or at least not the owners of the entire fee. That until the suits now pending in the courts are determined, it is impossible to say who are the owners of the property upon said street. That the undersigned, as heirs of Noah Noble, claim the nine-tenths of all the property on said street; and as to 252 feet on the west side of such street north of Ohio street, and the four acres of ground at the head of said street, they are in possession of and in the full enjoyment of the fee-simple title.

Wherefore, the undersigned would respectfully remonstrate against the improvement of said street at this time, under the present circumstances.

WINSTON P. NOBLE,
P. A. DAVIDSON,
N. N. DAVIDSON,
LAVALETTE DAVIDSON,
CATHARINE A. MILLER.

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

Gentlemen :—The undersigned, property holders on Highland street, would most respectfully remonstrate against the proposed improvement of said street, in the manner as well as the extent of said improvement. To bowlder the gutters of a street so unimportant as Highland street, and so little used, is a wicked extravagance; and to improve said street to Miami street, which is unopened, thus making the northern terminus of said street butt up against a fence, is worse than folly.

Then, again, for the most part, Highland street is in good condition now, and needs no improvement; the portion from Market street north, having been improved at private expense heretofore, and is a smooth roadway, well graveled.

And finally, times are too hard at present to compel property holders to pay for improvements no more needed than the present one.

JAMES G. DOUGLASS.

REPORTS FROM COMMITTEES.

The Committee on Bridges and the City Attorney, through Councilman Morse, submitted the following report; which was duly concurred in :

Indianapolis, September 23, 1878.

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

Gentlemen :—Your Committees on Bridges and City Attorney, to whom was referred the communication of Messrs. Gibson & Co., in relation to the bridge over their mill-race, would report that we have had the matter under advisement, and have investigated the matter somewhat, and find that the parties who built the mills in 1860 constructed the race across the street, without any leave or license from the city, and built the first bridge across the same; that it was kept in repair, partly by the parties and partly by the city; that a few years since Messrs. Gibson widened the race across the street and extended the bridge, without any license from the city.

Your committee are of the opinion that there is no obligation upon the city to keep up the bridge, or to repair the same; while Messrs. Gibson & Co. insist that they will not do so, but will abandon their water-power and use steam.

We are of the opinion that the question as to whose duty it is to keep up said bridge should be settled at this time, and we therefore recommend that the Council adhere to its former action, and that the Engineer be instructed to notify Messrs. Gibson & Co and The Water-Works Company of Indianapolis, that if said bridge is not repaired, to the satisfaction of the City Engineer, and in such a manner as to make it safe for travel over it within fifteen days, the city will proceed to fill up said race; and then if said parties shall fail to repair the bridge within said time, that the Street Commissioner, under the direction of the Engineer, proceed to fill up said race.

Respectfully submitted,

THOS. J. MORSE,
MARTIN McGINTY,
HENRY BERMANN,
J. M. RIDENOUR,
D. MUSSMANN,
Committees on Bridges.

R. O. HAWKINS, City Attorney.

The Committee on Gas-Light, through Councilman Cummings, submitted the following reports; which were duly concurred in, and the motions were, thereby, severally adopted:

Moved, That the City Civil Engineer be directed to have removed the two lamp-post, on West street, between New York and Vermont streets, to the alley crossing West street, between New York and Vermont streets.

We, your Committee on Gas-Light, recommend that this motion be concurred in.

M. M. CUMMINGS,
C. H. O'BRIEN.

Moved, That the lamp-post on the west side of North Illinois street, between Pratt and St. Joseph street, be ordered to be moved from where it now is to the corner of the alley, so as to light said alley.

Your Committee on Gas-Light recommend that this motion be concurred in.

M. M. CUMMINGS,
C. H. O'BRIEN.

The Judiciary Committee and the City Attorney submitted the following report, and presented the appended petition, and proofs of posting and publication; which were duly received:

Indianapolis, September 23, 1878.

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

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred the petition of Stoughton J. Fletcher, asking that a certain plat of an Addition owned by him be vacated, would report that the petition, at the time it was presented to us, was not in proper form, but has since been amended, and the proper notice given, by publication in the newspaper, as required by the statute, and we, therefore, report that the petition is in proper form, and, also, herewith report a resolution of vacation, which we recommend be passed.

Respectfully submitted,

M. H. McKAY,
JOHN L. F. STEEG,
JOHN L. MARSEE,
Judiciary Committee.

R. O. HAWKINS, City Attorney.

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

Gentlemen:—The undersigned asks that you order the vacation of his subdivision, known as "Arsenal Park Addition," and recorded in Plat-Book 6, page 19, of the records of the Recorder's Office, in Marion County, Indiana, being lots 1 to 121 inclusive, together with the streets and alleys donated to the public.

No lots have been sold in said subdivision, and the title to the entire tract remains in the undersigned.

STOUGHTON J. FLETCHER.

Indianapolis, August 1, 1878.

Personally appeared the above named Stoughton J. Fletcher before the undersigned, a notary public in and for Marion County and State of Indiana, who swears that the title to the above described Addition is wholly in his name.

JOSIAH LOCKE, Notary Public.

STATE OF INDIANA, *Marion County*, ss:

Josiah Locke, being duly sworn, deposes and saith that notices, of which the following is a true copy, to-wit:

NOTICE.—The undersigned gives notice that he will, on the 9th day of September, 1878, petition the municipal authorities of the City of Indianapolis for the vacation of his subdivision of city lots known as "Arsenal Park Addition," as recorded in plat-book 6, page 19, of the Records of the Recorder's Office, in Marion County, Indiana.

STOUGHTON J. FLETCHER.

Were by him, on the 16th day of August, 1878, posted in three public places, contiguous to the property described in said notice, namely at the corner of Arsenal avenue and Washington street, and at the corner of Arsenal avenue and Market street, and at the south door of the Court House, all in Indianapolis, Indiana.

JOSIAH LOCKE.

Sworn and subscribed to, this 17th day of August, 1878.

OVID D. BUTLER, Notary Public.

NOTICE.—The undersigned gives notice that he will, on the 9th day of September, 1878, petition the municipal authorities of the City of Indianapolis for the vacation of his subdivision of city lots, known as "Arsenal Park Addition," as recorded in plat-book 6, page 19, of the Records of the Recorder's Office, in Marion County, Indiana.

STOUGHTON J. FLETCHER.

STATE OF INDIANA, *Marion County*, ss:

Personally appeared before the undersigned, Edward Lewis, clerk of the Indianapolis News, a public daily newspaper of general circulation, printed and published in Indianapolis, in the county aforesaid, who, being duly sworn, upon his oath, saith that the notice, of which the attached is a true copy, was duly published in said paper for three weeks successively, the first of which publication was on the 15th day of August, 1878, and the last on the 29th day of August, 1878.

EDWARD LEWIS.

Subscribed and sworn to before me, this 6th day of September, 1878.

JOSIAH LOCKE, Notary Public.

The following resolution was then offered:

Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the plat of the Addition or Subdivision, known as "Arsenal Park Addition," in said city, and owned by Stoughton J. Fletcher, together with all the streets and alleys laid out or platted in said Addition, be, and the same are hereby, declared vacated.

And was adopted by the following vote :

AYES, 16—viz.: Councilmen Anderson, Bermann, Brown, Bruner, Cummings, Marsee, Maus, Morse, McGinty, McKay, O'Brien, Off, Reading, Showalter, Steeg, and Walker.

NAYS—None.

The Committee on Sewers, through Councilman Brown, presented the following report ; which was duly concurred in :

To the Mayor and Common Council :

Gentlemen :—Your Committee on Sewers, to whom was referred bill of A. Bruner, for city's portion of State House sewer, report as follows :

Upon investigation, we find that the work was done under the direction of the City Civil Engineer, and according to specifications furnished by that officer.

We, therefore, recommend that the claim be allowed.

Respectfully submitted,

M. L. BROWN,
F. A. MAUS,
Committee on Sewers.

The same committee presented the following transcript, accompanied by the claim of A. Bruner, the sewer contractor ; which were duly received :

WHEREAS, The contractor, A. Bruner, having completed all the work stipulated in his contract for constructing the sewer, from Tennessee to Missouri street, and the same having been completed according to contract, and so reported by the architect of the State House ; Therefore,

Ordered, That the work be accepted as completed by this Board, and that the contractor be paid in full for the same, according to his contract ; and that the city authorities be requested to pay said Bruner three hundred dollars, due him as per ordinance authorizing the building of said sewer.

* * * * *

I, John M. Godown, Secretary of the Board of State House Commissioners, hereby certify that the foregoing is a full, true, and complete copy of an order passed by said Board on this, the 23d day of September, 1878.

JOHN M. GODOWN, Secretary.

On motion made, the two claims were referred to the (joint) Committees on Accounts and Claims, with instructions to provide for their payment in their next appropriation ordinance.

MISCELLANEOUS BUSINESS.

Councilman McGinty offered the following motion ; which was referred to the (joint) Committees on Gas-Light, with power to act :

Moved, That the Committee on Gas-Light be directed to light two of the five lamps on West street, south of McCarty street—namely, one at the intersection of Macauley and West streets, and the other lamp near Henry Slusher's business place.

Also, offered the following motion ; which was referred to the Hospital Board :

Moved, That Mrs. Joseph Butsch be granted the right-of-way to lay a switch through city property between her ice houses, to connect with Union Railroad-Transfer & Stock-Yard Company track, and that the City Attorney be instructed to prepare the proper ordinance.

Councilman McKay offered the following motions ; which were severally adopted :

Moved, That W. H. H. Johnson be permitted to move a one-story frame house (26x32 feet), from No. McCarty street to No. 493 S. Illinois street—a distance of three squares.

Moved, That Samuel Hanway be permitted to pave with brick the sidewalk, and bowlder the gutter, in front of his property at northwest corner of College avenue and Butler street, at his own expense, under the direction of the City Civil Engineer.

Councilman Reading offered the following motion ; which was referred to the Board of Public Improvements :

Moved, That the Street Commissioner be instructed to repair the bowldered gutter on the south side of McNabb street, between Illinois street and Pogue's Run.

Councilman Showalter offered the following motion ; which was duly adopted :

Moved, That Windle Gardner be granted permission to bridge the gutter (fourteen feet in length) in front of his business house, No. 247 Indiana avenue, under direction of City Civil Engineer.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor,
President of Common Council.

Attest : BENJ. C. WRIGHT, City Clerk.