PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL, Monday, July 23d, 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, Bugbee, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Reading, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—19.

Absent—Councilmen Brown, Morse, McGinty, Pouder, Stoner, and Thomas—6.

The proceedings of the regular session, held July 16th, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts, through Councilman Bugbee, submitted the following report; which was concurred in:

Indianapolis, July 23, 1877.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Contracts, to whom was referred the report of the Civil City Engineer in reference to the grading and graveling of Herbert street, would recommend that he be instructed to re-advertise grading and graveling said street and sidewalks, between Illinois and Meridian streets.

J. W. BUGBEE,
M. L. BROWN,
T. C. READING,
Committee on Contracts.

REPORTS FROM CITY OFFICERS.

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

Indianapolis, July 23, 1877.

To the Mayor and Common Council:

Gentlemen:—I herewith report a first and final estimate allowed John Schier, for grading and paving the west sidewalk on Mississippi street, between Tinker and Herbert streets—

1,652.8 lineal feet at 27c......\$446 25

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 John Schier, for grading and paving the west sidewalk on Mississippi street, between Tinker and Herbert streets, 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.

And was adopted by the following vote:

Affirmative—Councilmen Bagby, Byram, Case, Cochran, Dill, Izor, Layman, Sindlinger, Steinhauer, Tucker, Watts, Wood, and W. G. Wright—13.

Negative-None.

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

Indianapolis, July 23, 1877.

To the Mayor and Common Council:

Gentlemen: - I herewith report the following contracts and bonds:

- Contract and bond of D. A. Haywood, for grading and graveling Court street and sidewalks, bowldering the gutters, and curbing the sidewalks, between East and Noble streets. Bond, \$1,500. Bondsman, H. C. Roney.
- Contract and bond of Richard Carr, for the improvement of Clifford avenue, between Massachusetts avenue and the northwest corner of the U. S. Arsenal grounds. Bond, \$3,000. Bondsman, Fred. Gansberg.
- Contract and bond of John Greene, for grading and graveling Maryland street and sidewalks, from Helen street west to White River. Bond, \$500. Bondsman, C. S. Roney.

Respectfully submitted,

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

The City Clerk submitted the following report; which was concurred in:

Indianapolis, July 23, 1877.

To the Mayor and Common Council:

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

Henry J. Brattain vs. Andrew J. Newsom, for \$3 00	
Henry J. Brattain vs. Andrew J. Newsom. for 3 00	
John Greene vs. Gottlieb Poppenseiger, for	

niy

John Greene vs. William Monehan, for	3	75
John Greene vs. Franklin Hauser, for	4	18
And respectfully recommend that you order the precepts to issue.	Č.	

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The precepts were then ordered to be issued by the following vote:

Affirmative—Councilmen Bagby, Bugbee, Byram, Case, Cochran, Dill, Izor, Layman, Reading, Reed, Sindlinger, Steinhauer, Tucker, Watts, Wood, and W. G. Wright—16.

Negative-None.

The City Attorney submitted the following report; which was approved:

Indianapolis, July 23, 1877.

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

Gentlemen:—I would report that I have collected the sum of one hundred dollars from the Citizens' Street Railway Company, for cinders placed by the Street Commissioner upon Virginia avenue, between the rails of their track, the same being the amount of the Street Commissioner's bill, placed in my hands for collection. And I have paid the said sum to the City Treasurer, and herewith file his duplicate receipt for the same.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The same officer submitted the following report; which was received, the accompanying contract duly confirmed, and its formal execution ordered:

Indianapolis, July 23, 1877.

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

Gentlemen:—I herewith report a contract, that I have prepared according to your instructions, between the City and the Society of the Good Shepherd

If it meets your approval, I would recommend that the Mayor be instructed to execute the same on behalf of the City.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

This Agreement, made this 18th day of July, 1877, by and between the City of Indianapolis and The Good Shepherd Society of said city,

Witnesseth, That the said The Good Shepherd Society hereby covenants and agrees with the said City of Indianapolis, for and during the term of one year from the date hereof, to keep and confine, in the building known as the House of the Good Shepherd," any and all female prisoners that may be sentenced or committed to such confinement by the Mayor of the City of Indianapolis.

And she further agrees, That during the full term of sentence or commitment of any and all such prisoners, she will keep each and every one of them safely confined in said building, and not allow them to escape or be released until the expiration of their term of sentence or commitment, and only discharge them upon the expiration of the term of sentence or commitment, or upon the order of the proper authorities of said city. That she will also furnish to all such female prisoners, during the terms of their imprisonment, good, wholesome food, and the necessary light and heat for the apartments occupied by them.

In consideration thereof, The City of Indianapolis hereby agrees to pay to the said The Good Shepherd Society, for the keeping of the said female prisoners as aforesaid, at the rate of one dollar and fifty cents per week for the actual time each prisoner shall be so kept by the said The Good Shepherd Society, which amount shall be paid by the city, in monthly instalments, at end of each and every month.

In witness whereof, The parties hereto have hereunto signed their corporate names, by their proper officers, and affixed their corporate seals.

The following report was received from the Board of Health:

Report of deaths in the City of Indianapolis from the 14th day of July, 1877, to the 21st day of July, 1877:

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Respectfully submitted,

T. N. BRYAN, President. WILLIAM WANDS, H. JAMESON, Secretary.

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, July 18th, 1877, the following proceedings were had, which I herewith submit for your action upon the same:

- 1st. Are two motions, containing certain recommendations.
- 2d. Is a report from the City Attorney, to whom was referred his former report, submitted to the Council June 4, 1877, and transmitted to the Board of Aldermen June 6, 1877, in relation to the suit of Casper Maus vs. The City, and which report was referred to the City Attorney by the Board of Aldermen, with instructions to consult with the representative of the Maus estate, and report upon what terms they would agree to compromise their claims against the city for damages. The report of the Attorney was received, and said officer instructed to effect a compromise upon the terms named, viz.; fifteen hundred dollars.
- 3d. The amendment of your honorable body, in substituting the "Committee on Streets and Alleys" for the "Board of Health," in the resolution

recommending the Council to order all streets, alleys and gutters to be cleaned as rapidly as possible, etc., was adopted; also, an amendment, offered by Alderman Foster, "instructing the Council Committee on Streets and Alleys to employ the necessary number of men and teams to perform the work promptly," which was adopted. The resolution, as amended, and adopted by the Board of Aldermen, reads as herewith submitted.

4th. The following communication from John Low, contractor, in relation to precept ordered to issue against Frederick Ruschaupt, was received, and the action of the Council in ordering said precept to issue was not concurred in.

5th. The report from the Council Committee on Accounts and Claims and City Attorney, in relation to the petition of Thomas Cottrell, concerning the (\$26.00) claim of said Cottrell against the city, was referred back to your honorable body, with the recommendation that a repealing ordinance be passed, cancelling the allowance made to W. H. Green, and making an allowance to Thomas Cottrell.

6th. The motion, adopted by your honorable body, instructing the City Marshal to notify N. McCarty to fill the pond or pool of stagnant water lying south and adjoining Washington street, in Indianola, was referred back, with recommendation that a draining or filling resolution be adopted as a substitute for above motion.

Respectfully submitted,

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

PAPERS FROM BOARD OF ALDERMEN-ACTION UPON.

Motion, requesting the Common Council to require a report from the special committee on the matter of a Southside Market [see Proceedings of Board of Aldermen, page 129], was read, and, on motion, referred to said special committee.

Motion, suggesting the propriety of appointment, by the Council, of a special committee of two Councilmen and one Alderman, to inquire into the expense attending present method of street cleaning and repairing, and whether or not many leaks in Street-Repair Department might not be stopped [see Proceedings of Board of

Aldermen, page 130], was read, and, on Councilman Marsee's motion, was referred to Council Committee on Streets and Alleys.

Report from City Attorney, addressed to the Board of Aldermen, recommending an agreed compromise, for the sum of \$1500, of the Maus judgment of \$1650, together with satisfaction of all other claims, by said party, for additional damages growing out of the Fall Creek overflow of 1875 [see Proceedings of Board of Aldermen, page 120], was read, and, on Councilman Byram's motion, the Aldermanic action, instructing the City Attorney to effect the compromise on proffered terms, was concurred in.

The resolution printed in extenso on page 123 of the Proceedings of the Board of Aldermen, was read.

Councilman Marsee moved that the Council refuse to concur in Alderman Foster's amendment.

Councilman Byram moved that "the Street Commissioner, under the direction of the Council Committee on Streets and Alleys, be instructed to employ the necessary number of men and teams to perform the work promptly."

Councilmen Steinhauer moved to amend the resolution by striking out the words "Council Committee on Streets and Alleys," and inserting "Street Commissioner" in lieu thereof; which amendment was adopted.

The said resolution now reads as follows:

Resolved, in view of the approaching hot season and the danger of epidemics likely to result from the accumulation of filth and decomposition of animal and vegetable matter in the streets, alleys, and gutters, that we recommend the Council to immediately order all streets and gutters to be cleaned as rapidly as possible, under the direction of the Committee on Streets and Alleys, and that the Street Commissioner be instructed to employ the necessary number of men and teams to perform the work promptly; also, to in-

struct the Marshal to notify all persons who allow waste water to run into gutters, to provide proper sinks to receive the water, within a reasonable time, or to discontinue the flow of water into the gutters.

Councilman Bugbee was excused for the balance of session.

Communication from contractor John Low, in which he states that the street assessment against Frederick Ruschaupt had been satisfied since the said precept had been ordered by the Council on 9th instant, and asking that the matter be referred back to the Common Council, so that their said action might be re-considered [see Proceedings of Board of Aldermen, page 124], was read, and, on motion, the action of the Board of Aldermen, in not concurring in that portion of the report of the City Clerk recommending the issuance of aforesaid precept, was approved.

On motion of Councilman Reed, the vote by which said Low-Ruschaupt precept was ordered to be issued, was then re-considered by the following vote:

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

Negative-None.

Clause 5th of the Aldermanic message, above given, was now considered, and the Common Council refused to concur in the recommendation of the Board of Aldermen, as expressed in said clause, but determined to adhere to its former action, as given on page 258, post.

Clause 6th of the Aldermanic message was now considered, and the recommendation of the Board of Aldermen, as therein set forth, was duly approved.

INTRODUCTION OF ORDINANCES.

Conucilman Reed introduced the following general ordinances; which were read the first 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."
- 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."

ROLL CALL.

Councilman Byram offered the following motion; which was adopted:

Moved, That the Common Council and Board of Aldermen meet, as a Board of Equalization, on Monday evening, August 6th, 1877, and that the City Clerk is hereby instructed to give the proper legal notice of such meeting.

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

Moved, That the Street Commissioner be, and is hereby, ordered 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.

The same gentleman presented the following communication from the Board of Health; which was received:

Office of Board of Health, Indianapolis, July 18, 1877.

Mr. Cochran :

Dear Sir:—At the upper end of Bellefontaine street, between Sixth and Seventh streets, where the street was opened recently, there is a privy vault in the middle of the street, and a pool of stagnant water that is complained of greatly by the people in the neighborhood.

Will you be so kind as to have the matter brought up in the proper shape in Council, and attended to?

Respectfully,

HENRY JAMESON, Sec. Board of Health.

And then Councilman Cochran offered the following motion; which was adopted, after it had been duly amended, on Councilman Izor's motion, by instructing the Street Commissioner to do the work necessary:

Moved, That the Street Commissioner be, and is hereby, directed to abate the nuisance on Bellefontaine avenue, set forth in a communication from the Board of Health, hereto attached.

Councilman Dill offered the following motions; which were adopted:

Moved, That Joseph Middlebrook be, and is hereby, granted permission to lay the sidewalk, with stone-flagging, in front of Ben. F. Gorden's property, No. 19 North Illinois street, provided the same be laid according to grade stakes set by the City Civil Engineer, and be completed in two weeks, at said Gorden's expense.

Moved, That the vote by which the precept was ordered against Frederick. Geopper be reconsidered

The latter motion was adopted by the following vote:

Affirmative-Councilmen Bagby, Byram, Case, Cochran, Dill,

Izor, Layman, Marsee, Reading, Reed, Sindlinger, Steinhauer, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright —18.

Negative-None.

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

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

Gentlemen:—Your petitioner, Mary Franks, would respectfully represent to you that she is a widow, and prays your honorable body to refund to her \$7.50 taxes she has paid and is justly entitled to, as shown by the attached certificate.

MARY FRANKS.

To the City Assessor of Indianapolis, Ind.:

Indianapolis, July 18, 1877.

We do hereby certify that Mary Franks, on Woodlawn avenue, of this city, is a widow, and that we verily believe her entire real estate, which is situated on said avenue, and well known to us, is worth not to exceed \$500 cash value, and that all her personal property is not worth more than \$50; her entire worth, real and personal, could not be cashed at more than \$550.

D. B. HOSBROOK, W. T. ROYSE.

Councilman Marsee offered the following motion;

Moved, That the City Clerk, in advertising for bids for repairing the block pavements, be directed to include N. Delaware street, from Washington street to Massachusetts avenue; also, College avenue and Brookside avenue; also, S. Illinois street, from Washington street to South street.

On Councilman Steinhauer's motion, the above was laid on the table by the following vote:

Affirmative—Councilmen Byram, Case, Dill, Izor, Layman, Sindlinger, Steinhauer, Tucker, Walker, Watts, Wood, A. L. Wright, and W. G. Wright—13.

Negative—Councilmen Bagby, Cochran, Marsee, Reading, and Reed—5.

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

Moved, That the Street Commissioner be instructed to kill out the Canada thistles in the street, south of Military Park, under the instructions of Mr. Otwell, Military Park policeman.

Councilman Tucker 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 chuck-holes on Huron street, between Virginia avenue and Noble street.

Councilman A. L. Wright offered the following motion; which was adopted:

Moved, That Hervey Bates have permission 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 on Massachusetts avenue.

His Honor, the Mayor, presented the following petition:

To the Hon. John Caven, or William Wallace, Esq.:

Dear Sir:—Please excuse the liberty I have taken in writing to you, but circumstances beyond my control compel me to say to you that my circumstances are such that I would most respectfully ask your aid and counsel.

I am the widow of John Farrall, who did formerly belong to the post office, and who died some years ago. I am in destitute circumstances. At this time my step-son is out of employment; also, my brother and two children. I have a house and lot, but I can not collect any rent for the part of which I rent out.

The object of this communication is to ask you to obtain employment for my step-son, who is not capable of taking care of himself.

Yours very respectfully,

MARY FARRALL.

The above is a true statement of Mrs. Farrall's situation.

JAMES E. WHEAT, 73 Lockerbie street. Which, on motion of Councilman Marsee, was referred to the Committee on Benevolence and Hospitals by the following vote:

Affirmative—Councilmen Byram, Case, Cochran, Dill, Layman, Marsee, Reading, Sindlinger, and Tucker—9.

Negative—Councilmen Bagby, Izor, Reed, Steinhauer, Walker, Wood A. L. Wright, and W. G. Wright—8.

His Honor, also, presented the following communication; which was referred to the Committee on Streets and Alleys and the City Civil Engineer:

Indianapolis, July 20, 1877.

To the Honorable City Council, Indianapolis:

Gentlemen:—I have examined the wooden pavements of your city, and wish to call your attention to my method of repairs to such pavements, as I am confident it would be for the interest of the city and the property owners to adopt it on the streets named in your late resolutions in regard to repairs.

My plan is to remove the rotten wood; fill the holes with concrete; then cover the entire surface with concrete, three inches thick, making virtually a smooth concrete roadway, by utilizing the present partly worn-out wood for a foundation.

This plan has been successfully followed in Brooklyn, N. Y., where eight miles have been treated in the way during the last five years. It is much preferable to the plan of repairing with wood, and is considerably cheaper than re-laying the wooden pavement.

Sufficient security will be offered as to perfect work and durability, so that there shall be no risk to the city in adopting it.

In order that your Honorable Council may obtain full information as to the merits of my pavement, I respectfully ask that you appoint a committee to visit the city of Columbus, Ohio, and examine a large amount of work I have done there. In this way, you can obtain more satisfactory information than by any representations I can make. There need be no expense attached to the visit to Columbus, as the company with which I am connected will bear the expense, in order to bring the matter before you.

I am, gentlemen, very respectfully, yours,

N. B. ABBOTT,

Treasurer and Manager Columbus Paving Co.

PENDING ORDINANCES.

On Councilman Cochran's motion, the rules were suspended for the purpose of taking up, reading the second and third times, and passing special ordinance No. 20, 1877, by the following vote:

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

Negative-None.

S. O. 20, 1877—An ordinance to provide for grading and graveling Bellefontaine avenue, and paving with brick the sidewalks thereof, from Lincoln avenue to Tinker or Seventh street,

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

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

Negative-None.

CALL OF COMMITTEES.

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

India apolis, July 23, 1877.

To the Mayor and Common Council:

Gentlemen:—Your Committee on Streets and Alleys, to whom were referred sundry papers, would report as follows, to wit:

1st—Is a petition from M. J. Vieira and Francis Thompson, stating that they are the owners of a valuable improvement in Street Guides, which they propose to furnish the city for one dollar each, payable in city warrants, bearing interest at the rate of six per cent., payable in one year after date, and asking that the city adopt the same.

Would report that, owing to the limited amount of money we will have this year to spend upon the improvement of streets, we recommend that the prayer of the petitioners be not granted.

2d—Is a petition from Thomas Russell, asking that the further filling up of certain lots on S. Missouri street with garbage, cleanings from catch-basins, etc., be discontinued.

Would report that we find, upon consultation with the Street Commissioner, that the Common Council ordered dirt to be hauled upon said lots by the Street Commissioner. We would now recommend that the further filling upof said lots be discontinued.

3d—Is a petition from G. W. Alexander and others, petitioning for the drainage of certain lots on Yeiser and Downey streets, between East (or Japan) street and Kennington street, and for the proper drainage of said district.

Would report that we have viewed the property on said streets, and find the same in as bad condition as represented by said petitioners. We would, therefore, recommend that, in order to give permanent relief to citizens residing in this overflowed district, the streets and alleys be improved, and that the City Civil Engineer be directed to prepare such ordinances, and that the property owners be instructed to fill their lots where stagnant water stands.

4th—Is a motion requiring the Marshal to notify the property owners at the intersection of McCarty and Ann streets to fill a certain pond of stagnant water within ten days, and, in case they refuse, the Street Commissioner to do the work, and charge the cost to the property owners.

Would recommend that the Marshal be instructed to notify the property owners to fill said pond, but that the Street Commissioner be not required to do said work, in the event of failure on part of property owners.

5th—Is a motion, instructing the Street Commissioner to fill the chuck-holes on Bright street, between New York street and Engle & Drew's coal yard.

As Bright street, south of New York street, has never been improved, and

this portion of the street being used but little, we recommend that the motion be not adopted.

Respectfully submitted,

JAMES E. WATTS,
JAMES T. LAYMAN,
GEO. P. WOOD,
Committee on Streets and Allevs.

The Committee on Parks, through Councilman Tucker, submitted the following report:

To the Mayor and Common Council:

Gentlemen:—Your Committee on Parks, to whom was referred the motion to inquire into the pasturing of cattle in the Southern Park, and the amount received for the same, respectfully report that Mr. Burns claims that, by his contract, he was entitled to all money received up to July 1st, 1877. At that time his contract expired.

Since July 1st, pasturing has been light, and he reports \$8 or \$10 received, and thinks he ought to be allowed the amount received for taking care of the grounds, inasmuch as the city has cut off his salary.

Respectfully submitted,

W. H. TUCKER,
ENOS B. REED,
M. STEINHAUER,
Committee on Parks.

On Councilman A. L. Wright's motion, the Committee on Parks were instructed to investigate the pasturing business more critically, and to report an exhibit of all moneys so received by said Burns, from any and every source, with a statement of for what purpose or purposes such moneys were disbursed.

On motion, the Common Council adjourned.

JOHN CAVEN, Mayor.

Attest:

BENJ. C. WRIGHT, City Clerk.