

Common Council Chamber
January 2nd 1854

Council met. Present Messrs. Bradshaw, Dunlap, Durham, Delzell, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland and Wingate; Councilmen and Mayor Scudder.

Minutes were read and approved.

The Treasurer's Monthly report was read and ordered to be filed.

The Street Commissioners Report, read and ordered to be filed.

The Marshall made the following report:

Your City Marshall would report the following hogs as taken up and sold and money not claimed

		Marshal fees
Six spotted Shoats	4.75	2.25
One White Sow	3.25	.37½
Two Barrows, slit in each ear	2.10.	75
Three White Shoats	3.50	1.12½
Four spotted Shoats, crop of the left under bit in the right ear	7.40	1.50
One White Shoat crop of the left under bit in the right ear	60.	37½
One spotted and one white sow shoats	1.37	75
Four white shoats one boar and three sows	1.40	1.50
Three Shoats crop of the left ear	6.50	1.12½
One white sow crop of the right ear	1.90	37½
One Sow crop both ears two slits in the right ear	1.80	37½
Three Shoats, two white one black and white	5.00	1.12½
One white Boar	50	.37½
One white sow both ears cropped and slit in the right	1.25	37½
Two sandy hogs 2 slits in the right, crop and slit in the left ear	4.25	.75
Five black and white hogs two slits in the right, crop and slit in left ear	6.75	1.87½
Total amount received	<u>\$52.52</u>	<u>\$15.00</u>
Marshal's fees	15.00	
Balance paid Treasurer,	<u>\$37.52</u>	

Respectfully submitted

Benj. Pilbean, City Marshal

Ordered to be recorded on the minutes

The Civil Engineer reported specifications for a cistern at Madison Depot; Also bids from



Geo. D. Pfifer at 54 c per barrel and
 Wm Woods at 55 c " " "

Awarded to Geo. D. Pifer

Specifications for Repairs of Bridge across Pogue's Run
 on Meridian Street, awarded to C. H. Boatright at \$125.

The following accounts were presented:

1424	Craighead & Browning, for sundries furnished city	\$ 5.10
1423	H. J Horn " " " "	6.80
1425	Delzell & Tyler " " " "	34.20
1426	J L. Avery for work done on Western Liberties Fire Engine	7.50
1427	W.S. Hubbard for rent of Relief Fire Co's Hall	20.00
1422	Gates, Veach, Pressel, and Richmond, for work on Inv. Engine House	10.50
1428	John Trucksess for work done for city	3.50
1429	Drum & Andersons for coal furnished city	3.75
1430	Relief Fire Company, for repairing Hose	10.00
1431	Walker & Vandegrift for Lumber	12.69.
1421	Joseph Little for sundries furnished city	5.13
1420	Abner Smith for Marion Engine	52.75

All of which were allowed

The following accounts were referred to the Judiciary
 Committee

A. G. Porter	\$200.00
Charles Fisher	15.95

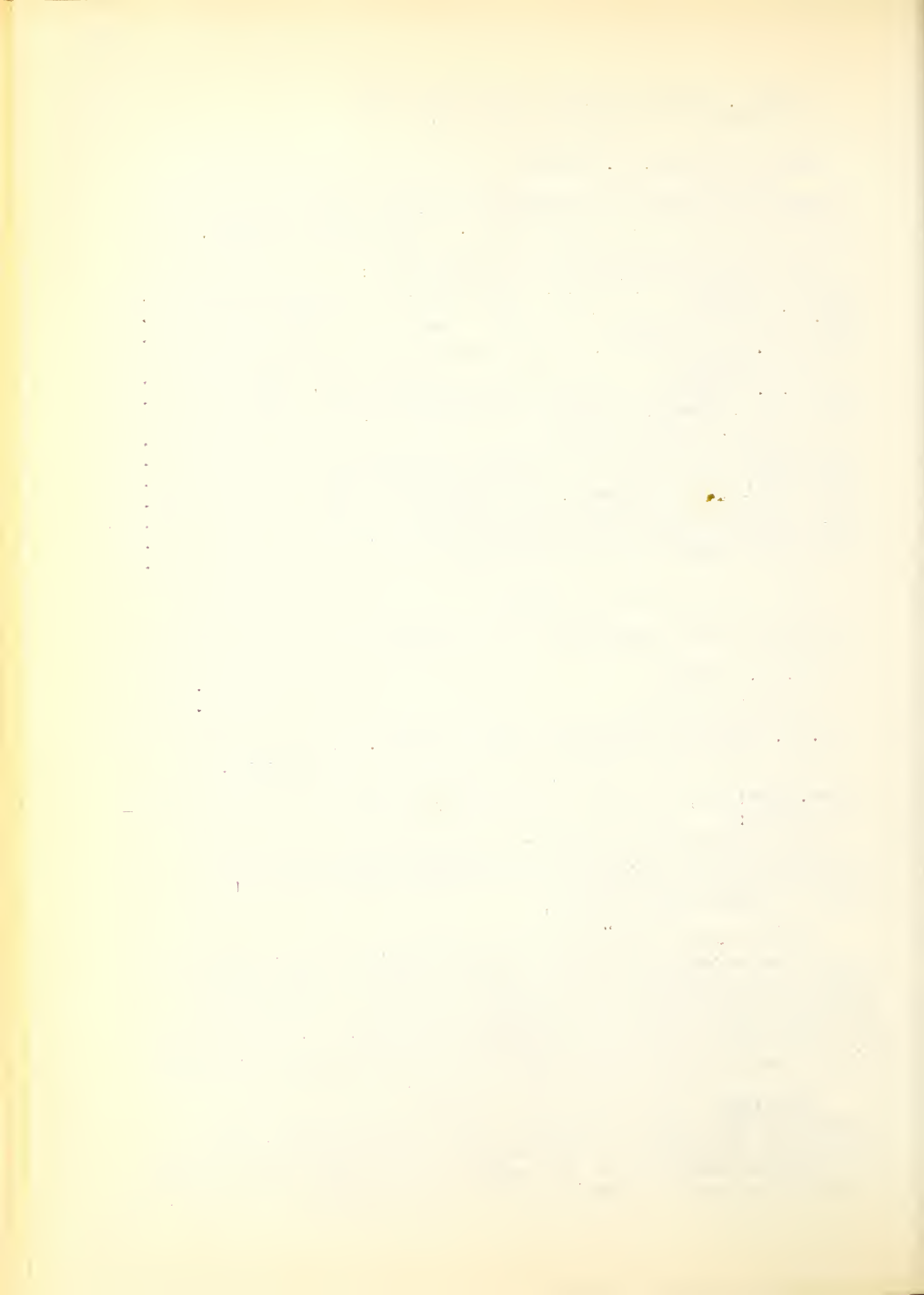
G. D. Pfifer presented a bill of \$441.02, for building
 cisterns which was referred to Committee on accounts.

Mr. Newcomb, from the Judiciary Committee made the follow-
 ing report:

The committee to whom was referred the memorial of
 certain citizens relative to opening streets in the
 neighborhood of the Bellefontaine Rail Road Company's
 Depot, respectfully report,

That before the Council take action thereon, the
 committee recommend that the Council apply to the Court of
 Common Pleas for the appointment of five Commissioners to
 appraise the damages and benefits accruing to the owners
 of real estate from the opening of streets, &c. as required
 by Section 58 of the act of Incorporation of cities, and the
 committee recommend the adoption of the following resolution

Resolved, That the court of Common Pleas of Marion
 County be requested to appoint five Commissioners, free
 holders of the City of Indianapolis, to appraise the damages
 or benefits accruing to the owner of any land or lot through
 which any street is proposed to be constructed or altered, &c,



as provided in Section 58 of "An act for the incorporation of cities, approved June 18, 1852

H. C Newcomb, Ch'm

Adopted by the following vote:

Ayes. - Messrs. Dunlap, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland and Wingate. - 11
Noes: - Mr. Bradshaw. - 1

Ordered, That the Civil Engineer investigate the condition of Market Street and report the condition of the work and the state of the contract.

Ordered, That the Street Commissioner have the hole on Ohio Street, fenced at the expense of the contractor.

Ordered, That the Street Commissioner have the hole on Vermont Street, fenced at the expense of the city.

The Committee on Finance made the following report:

The committee on Finance to whom was referred the memorial of H. Bates, Esq, Guardian of Wm. Wood, setting forth that 15 acres of ground, being the west part of Out-lots No. 99 and 100, viz: 11 acres in No 99 and 2 acres south west corner of No. 100 was assessed by mistake, as he supposes, at \$400 per acre, for city tax purposes, being as he supposes largely over its value and that he feels it his duty as Guardian, to decline paying the taxes thereon until the Council should examine into the matter and make such order as they may deem just, and he sets forth apparently, as a reason why reduction should be made, that certain portions therein states are appraised at \$250 and part at \$200 per acre;

Have given consideration to the subject and respectfully report that in their opinion the land in question owned by Wm. E. Wood for whom Mr. Bates is Guardian is not appraised at any higher price than it should be for taxation or for any purpose intending to appraise it at its worth and if the committee were to offer an expression of opinion on that part appraised at \$250 and \$200, it would be that it is too little. Whilst the committee are fully convinced that there is probably inequality in the two; they are nevertheless convinced the Wood tracts are not too high, and respectfully recommend that no reduction be made.

Nicholas McCarty) Finance Com.
D. H Strickland)

Concurred in.

Mr. Newcomb presented the following communication:

To the Honorable City Council of Indianapolis:

The undersigned, to whom was referred by your honorable body, the duty of ascertaining the probable expenses of each of the different Fire Companies of the city, per year, and the propriety of appropriating such an amount to each of them,

instead of proceeding as heretofore, by paying the bills when presented and only approved, would respectfully represent to your honorable body, that he has submitted the matter in question to his Association of the Fire Department, and they have concurred with him in the justice of the considerations herewith presented, and the conclusions to which they lead

First, We think your honorable body cannot fail to see, that every method of supporting the Fire Department which should allow the appropriation of unequal amounts to different companies, however just the reasons supporting it, would inevitably create dissensions and disturbances between the Companies; those receiving the smaller amounts conceiving themselves as deserving of the Councils kindness as any other, would not rest contented under such a system. And the Council could not discriminate in favor of any one Company without serious danger of doing injustice to others, as meritorious in all respects, as prompt, zealous and well conducted as the one most favored. That the amounts actually necessary for such a company might be greater than for others, would not we think allay such a jealousy of each other, or distrust of the fairness, and impartiality of your honorable body, as the inequality would create. The evils of such a state of feeling among the Firemen, you can easily appreciate

Second, In the condition of the Department, the fixing the amount for all the Companies by the probable expenses of any one Company, or by a fair average of all would be unjust. The different construction of Engines, the difference in their length and severity of service, the unequal age, and the different degrees of preservation of hose, make any fixed amount for one Company no safe criterion of the necessities of any other. This injustice can only be avoided by appropriating to every company a sum equal to the largest given to any. If your honorable body will do that we can urge no objection to the policy, except the advantage that some companies necessarily requiring less than others, may have in creating a surplus fund from the unexpended residue, while others cannot. We do not conceive that this consideration, is of weight sufficient to deter your honorable body from adopting the system of appropriations proposed, if you think it advisable for other reasons.

It may be said that the companies now receive unequal appropriations, since some expend less than others, and if aware of this fact, and indifferent to it, the Companies will not be likely to be more dissatisfied with an arrangement which amounts to the same thing with the difference only, that expenses are anticipated instead of paid, as to this, we could say, that some of the companies are aware of that fact, and have expressed some dissatisfaction at it, but not of sufficient intensity to create difficulty, or disarrange the operations of the department. But latterly seem to have

acquiesced in it, without questioning its justice. But the question presents a very different phase, when each Company's expense must be calculated in advance, and appropriated in a lump. Then each Company will be likely to estimate the amount it desires by its own opinion of its services, instead of by the more appreciable standard of its actual expenses. It would be hard to convince them that a difference of amounts appropriated, was not an exhibition of favoritism by the Council. Besides they may feel justly, that when expenses are anticipated the Council has no right to expect me to be subject to such service or exposure more than another, as will likely create a greater necessity for repairs or Messenger's services. Nothing but an equal amount to each, will satisfy any. And as we have already said in our second consideration; it will be hard to make the expenses of any less than the greatest, a standard for others. Consequently the amounts ought to be the same for all, and equal to the largest appropriation to any company. What that amount should be, the Council can best determine, having the bills of Company's on file.

All of which is respectfully submitted,
B. R. Sulgrove

Laid on the table.

Mr. Nelson presented the following petitions:

To the Common Council of Indianapolis.

Mary Ann Flack, widow of Moses Flack, deceased, represents that she is taxed on the City Treasurer's Book of this City, as the owner of One Thousand dollar's worth of Personal Property; that she had not at the time of the assessment of the present year, or at the time the lien of City taxes accrued, nor has she now, more than One Hundred dollar's worth of personal property; and that her circumstances are such that it will be a great grievance to her to be compelled to pay taxes on more property she owns.

She prays your honorable Body to have the city assessment corrected so as to charge her with One Hundred dollar's worth of personal property

Yours Respectfully
Mary A Flack

Referred to Committee on Finance

To the honorable Council of the City of Indianapolis:

Your undersigned petitioner ever prayeth, that you would grant unto him the exclusive right of the square in the south-east corner of the old grave yard, with the alley on the south and east lines of said Square, A



Also the additional three or four feet added to the east end of said square, by setting out the east line of fence, which was set out by an order of the Council last spring; to be occupied as the burying ground for seven families. The alleys alluded to in the petition in every other part of the grave yard is taken up and buried in, and the 3 or 4 feet alluded to cannot be of any use unless added to said square, I have the square and south and east alleys enclosed with an enclosure, stone posts, and iron rods for three or four years.

I have at this time five children and 6 grand children buried in said square, and the square and alley will be a very small bounds for so many families

Yours with respect,
G. Norwood

Granted

Mr. Edwards offered the following petition:

To the Honorable City Council of the City of Indianapolis:

The undersigned would respectfully represent to the Honorable Council. That upon the organization of the Bucket Company of the City Fire department, he lent to said company the bell which is in the use of said since that period, and being informed that said company need the same and desire to retain it, I desire the Council to make an order for the amount of the cost of the bell and mounting. I paid Mr. Fanks of Cincinnati \$17 for the bell. The mounting and freight cost \$2. making an aggregate of \$19.

The bell is still perfect I beleive, and as good as when first purchased.

I pray your honorable body to make an order, while I am your obedient servent

N. B. Palmer

Referred to committee on Finance Department.

Mr. Maguire presented the following petition:

To the Honorable City Council of Indianapolis:

Your petitioner would respectfully pray your honorable body to make a correction in the amount charged to me on the tax duplicate as money on hand. I gave it to the assessor at \$12,000 as he is willing to testify, and by some mistake it has got on the Books at \$20,000. Hoping that your honorable body will make the correction

I am respectfully
G. Schurmann

Referred to the committee on Finance

Mr. Maguire offered the following resolution:

1435 Resolved, That Matthew Little, the City Assessor be allowed in addition to the amount heretofore allowed, the sum of twenty-five dollars, he having paid to his deputies the whole of the sum allowed heretofore.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Delzell, Durham, Maguire, Pitts, Wingate, and Mayor. - 7
 Noes. - Messrs. Dunlap, Edwards, Karns, Nelson, Newcomb, and Strickland. - 6.

Mr. Delzell offered the following resolution:

Resolved, That this Council now proceed to elect three Trustees for the Common Schools, to serve one year, or to their successors and elected and qualified.

Adopted by the following vote:

Ayes. - Messrs. Bradshaw, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland and Wingate - 12

The following gentlemen were put in nomination:

C. Fletcher, H.F. West, H.P. Coburn, R.B. Duncan, T. McClamnock, David Beaty, J.B. Dillon, A.L. Vorhees, E. Colestock and J.P. Chapman.

Messrs. C. Fletcher, H.P. Coburn, and J.B. Dillon were duly elected for the term of one year from the 1st of January and until their successors are elected.

Mr. Maguire offered the following resolution:

Resolved, That the committee on the Judiciary be instructed to report an ordinance fixing the salary of the Assessor for the current year

Adopted by the following vote.

Ayes. Messrs. Bradshaw, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, Nelson, Newcomb, Pitts, Strickland, and Wingate. - 12.

Mr. Maguire, presented the following Ordinance:

"An Ordinance to restrict the ringing of Auction Bells."
Be it ordained by the Common Council of the City of Indianapolis, That from and after the publication of this Ordinance, it shall not be lawful for any person to give notice of auction sales by the ringing of bells, except at the corners of streets, and in front of the houses in which the sales shall take place; and any person violating the provisions of this Ordinance shall, on conviction thereof before the Mayor, be fined in any sum not exceeding five dollars with costs of suit.

Read 1st, 2nd, and 3d time, and adopted by the following vote.

Ayes. - Messrs. Bradshaw, Dunlap, Delzell, Durham, Maguire, Nelson, Newcomb, and Strickland. - 8

Noes. - Messrs. Edwards, Karns, Pitts and Wingate. - 4

1. Mr. Pitts moved that Michael Shea be allowed \$195.57 for work done on sidewalk on south side of Washington Street and National Road west of Canal.

1419. Mr. Newcomb moved to amend by allowing \$100

Adopted.

The following communication was received from the City Attorney.

To the Common Council of City of Indianapolis

The undersigned informs your honorable body, that at the term of the Marion Circuit Court which closed on Saturday evening last, there were four cases on the docket in which the City was a party - three of which were tried, and judgments rendered, viz: The City vs. Ephraim Croas, relative to an alley in Harri's addition. Irvin & Shea vs. The City, for work on Meridian Street, and Comegys & McCord vs. The City, to enforce the specific performance of an alledged contract for the purchase of Lot No 4, in Square No. 37, in said city, all of which were determined in favor of the city. I suppose, however, that the case of Irvin & Shea will be taken to the Supreme Court but they cannot succeed. The case of the city against the President and Directors of the Indianapolis Rail Road Company, for the recovery of Lot No 10, being a part of the market square, was not disposed of on account of the press of business at the close of the term. The evidence was heard by the Court, and the cause taken under advisement till the next term. It will be argued during vacation.

In the cases of Irvin & Shea against the City, and the City against the Railroad Company, I procured the assistance of Mr. Newcomb, to whom I am under obligations for his valuable aid.

I would recommend you to authorize me to institute a suit against Comegys & McCord, to recover possession of Lot No 4. They will be liable in such suit for the rental value of the lot for the time they have used and occupied it

Laid on the table

Adjourned

C Woodward
City Clk pro tem