

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

ADJOURNED SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
WEDNESDAY, JULY 7, 1869, 7½ O'CLOCK, P. M. }

The Common Council met pursuant to adjournment.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,  
and the following members :

Councilmen Cottrell, Gimber, Harrison, Heckman, Kahn, Kenning-  
ton, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms,  
Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilmen Brown—1.

CALL OF THE ROLL.

Mr. Cottrell offered the following motions :

That the Street Commissioner be instructed to have the gutters on Merrill  
street, between Alabama and Delaware streets, properly cleaned out, so as to  
carry off the water.

That the Civil Engineer be instructed to have no material used in bowlder-  
ing the streets except perfect bowlders.

That the Street Commissioner be instructed to have the Street Railroad  
track raised on Virginia Avenue, between Pogue Run and South street.

Which were adopted.

Mr. Cottrell introduced special ordinance No. 61—1869, entitled :

AN ORDINANCE to provide for graveling the east sidewalk on Alabama street from Merrill street to the north side of the first alley south of South st.

Which was read the first time.

Also, general ordinance No. 32—1869, entitled :

AN ORDINANCE to amend an ordinance entitled "An ordinance creating a Board of Police, and authorizing such Board to appoint all officers and members of the Police of the City, and empowering such Board to remove from office for cause any officer or member of such Police."

Which was read the first time.

Mr. Gimber introduced special ordinance No. 62—1869, entitled :

AN ORDINANCE to provide for grading and graveling Wilkins street and sidewalks, from Maple street to Chestnut street, with good River or Creek gravel.

Which was read the first time.

Mr. Gimber offered the following motions :

That the City Marshal be directed to notify the parties owning the railroad track on Tennessee street from South street to the Rolling Mill, to leave the cars on that street not longer than the law allows them.

That the Street Commissioner be directed to slope off the first alley west of Illinois street running south from McCarty street.

Which were adopted.

Mr. Heckman offered the following motion :

That the Committee on Streets and Alleys be instructed to ascertain what would be the difference of price between wooden and iron and stone culverts.

Which was adopted.

Also, the following motion :

That the Street Commissioner be instructed to repair the gutter on the south side of East and South streets.

Which was referred to the Committee on Streets and Alleys.

Mr. Harrison presented the following communications :

INDIANAPOLIS, July 7, 1869.

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

GENTLEMEN:—The Committee on Revision of Ordinances herewith present a communication from the City Attorney, and the ordinances alluded to therein, to wit :

"An ordinance protecting bridges and streets;" and,

"An ordinance prohibiting bathing in Central Canal."

We also recommend that said ordinances both be passed.

Most respectfully,

T. C. HARRISON, }  
ERIE LOCK, } Committee.  
T. COTTRELL, }

INDIANAPOLIS, June 20, 1869.

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

GENTLEMEN:—I transmit two ordinances which, should they meet your approbation, please submit to Council. The ordinance concerning streets and bridges, I think, important, as the present ordinances, by reason of repeated changes, are very vague and uncertain.

The ordinance concerning bathing in the Central Canal I have prepared at the solicitation of many citizens, who complain that the conduct of those bathing near Michigan Road Bridge is a very great annoyance.

Respectfully, B. K. ELLIOTT, *City Attorney.*

Which were received.

Also, general ordinance No. 33—1869, entitled:

AN ORDINANCE protecting bridges and streets.

Which was read the first time.

Also, general ordinance No. 34—1869, entitled:

AN ORDINANCE prohibiting bathing in Central Canal.

Which was read the first time.

Mr. Harrison presented the following petition:

INDIANAPOLIS, July 7, 1869.

*To the Members of the Common Council of the City of Indianapolis:*

The undersigned petitioners respectfully represent to your honorable body that they are the respective owners, in fee simple, of the real estate set opposite their respective names, which real estate borders upon the alley running from Delaware street west to Pennsylvania street through Knox & Danforth's subdivision of the south part of out-lot 173, in the City of Indianapolis, Marion county, Indiana, and which real estate constitutes two-thirds of the whole line of lots bordering on each side of said alley. And your petitioners respectfully ask your honorable body for the passage of an ordinance for the grading and graveling of said alley from Delaware street to Pennsylvania street.

C. F. Rafert, S. McYeveion,  
Jacob Kregelo, Robert Gray.  
S. F. Gray,

Which was received.

Also, special ordinance No. 63—1869, entitled:

AN ORDINANCE to provide for grading and graveling the alley running from Delaware street west to Pennsylvania street through out-lot 173.

Which was read the first time.

Mr. Harrison presented the following petition :

INDIANAPOLIS, July 7, 1869.

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

GENTLEMEN:—We, the undersigned, respectfully petition your honorable body to enact an ordinance to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on St Joseph st., between Delaware and Pennsylvania streets. We are the owners of property fronting on said street, between the limits named above, as set opposite our respective names.

A. H. Conner,  
W. E. Mick,  
C. B. Huston,

J. & P. Gramling,  
J. C. A. Schramm.

Which was received.

Also, special ordinance No. 64—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on St. Joseph street, between Delaware and Pennsylvania streets.

Which was read the first time.

Mr. Harrison presented the following petition :

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—We, the undersigned, desire to call your attention to the present condition of the grounds between the northern terminus of Winston and St. Clair streets, which has been inundated with water by the grading of St. Clair street, and said water by continually standing on said grounds has become an intolerable nuisance, deleterious to the health and comfort of the undersigned and all others who reside in the vicinity thereof, and we therefore pray that said nuisance be abated.

LEVI MARSHALL,  
JAMES BREEN.

Which was referred to the Committee on Streets and Alleys and Civil Engineer.

Mr. Kennington offered the following motion :

That the Civil Engineer be instructed to have the openings on the Ray st. sewer made, in order to drain the different streets that cross the same.

Which was referred to the Committee on Sewers.

Mr. Kahn offered the following motion :

That the Market Master be instructed to put up posts on the north side of the East Market.

Which was adopted.

Mr. Marsee introduced special appropriation ordinance No. 25—1869, entitled :

AN ORDINANCE appropriating money for the use of the Fire Department.

Which was read the first time.

Mr. Marsee offered the following motions :

That the Street Commissioner be directed to fill the hole on the west side of East street at the crossing of Cumberland street.

That the Street Commissioner be directed to repair the foot bridges on Alabama street, between South and McCarty streets.

Which were adopted.

Also, the following motion :

That the Street Commissioner be directed to place foot bridges at the crossing of Duncan and Alabama street.

Which was referred to the Committee on Streets and Alleys.

Mr. Marsee introduced special ordinance No. 65—1869, entitled :

AN ORDINANCE to provide for graveling the south sidewalk of Louisiana st. between Virginia Avenue and East street.

Which was read the first time.

Mr. Newman presented the following remonstrance :

INDIANAPOLIS, July 7, 1869.

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

The undersigned, owners of property fronting on South Meridian street, respectfully remonstrate against the assessment of benefits caused by the opening of Georgia street between Pennsylvani street and Virginia Avenue, in case the Council should approve the report made at its last meeting by the City Commissioners. Your remonstrants believe such assessments, so far as they affect Meridian street property, to be unjust, because the opening of Georgia street, as proposed, will in no wise add to the value of their property nor benefit the owners or lessees to any greater extent than it would benefit other property generally throughout the city.

Your remonstrants further represent that their names were subscribed to a petition on this subject some months since on a representation that the benefits to them were to be such as other tax payers were to receive and not specific benefits to be assessed and collected from them, individually. They, therefore, pray your honorable body to reject the report of the Commissioners aforesaid.

E. S. Alvord,

P. Kirland,

John C. Brinkmeyer,

Charles Kemker,

Fred. P. Rush,

And 11 others.

Which was receivnd.

And on motion by Mr. Cottrell, the report of the City Commissioners, in regard to opening Georgia street from Pennsylvania street to Virginia Avenue, was referred back to said Commissioners along with the City Attorney, with instructions for the Attorney to report whether such Commissioners can legally report in favor of terminating the opening of said street at Delaware street, upon the original petition, which asks for its opening to Virginia Avenue, and if he

reports affirmatively the said City Commissioners are instructed to make an estimate of damages and benefits accordingly.

Mr. Shepherd offered the following motion :

That the City Sexton be instructed to cut the grass in the City Graveyard, provided the same be done without expense to the City.

Which was adopted.

Mr. Thoms introduced special ordinance No. 66—1869, entitled :

AN ORDINANCE to provide for grading and paving with brick the sidewalks on East street, between New York and Washington streets.

Which was read the first time.

Mr. Thoms offered the following motion :

That the Marshal be instructed to purchase two dozen palm leaf fans for the use of the officers and members of this Council, to the end that all business may be calmly and coolly considered.

Which was laid on the table.

Mr. Thalman presented the following petition :

INDIANAPOLIS, July 7, 1869.

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

Your petitioners respectfully represent to your honorable body that they are the owners of lots Nos. 41, 42, 43, 44, 45, 46, 47, 48, 49, 50 & 51, in Maguire's subdivision of out-lot 151 of the City of Indianapolis, and lots Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 in Douglass' subdivision of out-lot 151, in the City of Indianapolis, each owning the part of the lot or lots designated by his name on the plat attached hereto, comprising all of the square situate between Bright and Douglass streets on the east and west, and between Vermont and New York streets on the north and south. That the alley running between lots Nos. 45 and 46, in Maguire's subdivision, is of no available benefit to said property and that your petitioners are the only persons interested in or affected by the maintenance or closing of said alley. And your petitioners respectfully but most earnestly pray your honorable body to order said alley to be closed. And for which which we shall ever pray.

John McLaren,  
John C. Walker,  
Charles Melling,

Mary Bowen,  
Alfred J. Rooker,  
And 6 others.

STATE OF INDIANA, }  
MARION COUNTY, } ss:

Before me, Alexander G. Wallace, a Justice of the Peace in and for said county, this 21st day of June, A. D. 1869, personally came Alvin D. May and acknowledged the execution of the above and foregoing petition. Witness my hand and seal.

A. G. WALLACE, J. P.

Which was referred to the Committee on Streets and Alleys.

Mr. Wiles offered the following motion :

That the Committee on Gas Light be directed to cause the dismantled lamps and gas posts to be appraised, and to sell any or all of them to any

contractor or contractors for the erection of gas posts and lamps on any street ordered by the Council to be lighted, at the appraised value.

Which was adopted.

Mr. Wiles introduced general ordinance No. 35—1869, entitled :

**AN ORDINANCE** supplementary to an ordinance entitled "An ordinance regulating the erection of public lamps and providing for lighting the streets and alleys of the City of Indianapolis with gas."

Which was read the first time.

Mr. Wiles presented the following remonstrance :

INDIANAPOLIS, July 7, 1869.

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

We, the undersigned lot owners and residents on Oak street, between Massachusetts Avenue and Cherry street, in the City of Indianapolis, respectfully but earnestly remonstrate against the grading and graveling of Oak street, between Massachusetts Avenue and Cherry street, at the present time, because of the great expense which said improvement will cost, and which some of us are unable to pay at the present time without distress, and because said improvement is not at present needed.

Katharina Reister,                    James Carr,  
Martha J. Robinson,                Katherina Rese.

Which was referred to the Committee on Streets and Alleys.

Mr. Weaver introduced special ordinance No. 67—1869, entitled :

**AN ORDINANCE** to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on Michigan street, between Meridian and Illinois streets.

Which was read the first time.

Also, special ordinance No. 58—1869, entitled :

**AN ORDINANCE** to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Pratt street, between Illinois and Meridian streets.

Which was read the first time.

Mr. Weaver offered the following motion :

That the Street Commissioner be directed to fill the holes on Tennessee street, with good, coarse gravel, from North to First streets.

Which was adopted.

Dr. Woodburn offered the following motions :

That John J. Hayden, J. H. Baldwin, Eben W. Kimball, and others, have permission to grade and gravel the alley running north and south, between Meridian and Illinois streets, from St. Clair street to the alley running east and west between St. Clair and Walnut streets, the same to be completed in sixty days, and the Civil Engineer directed to set the grade stakes.

That the City Clerk advertise for proposals for the construction of a culvert with stone abutments, on the south side of Market street at the crossing of Tennessee street.

That the Street Commissioner be instructed to proceed at once to clean out the street gutters, commencing with those that are now in the worst condition.

Which were adopted.

Also, the following petition :

INDIANAPOLIS, June 29, 1869.

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

GENTLEMEN :—The undersigned, property holders on Severn alley, between Pratt and St. Clair streets, respectfully petition your honorable body to allow them the privilege of grading and graveling the above named alley, the said work to be done to the satisfaction and under the supervision of the Civil Engineer and at our own expense.

W. S. Webb,  
Wm. Hasson,  
Wm. Braden,  
D. Root,

A. A. Treat,  
J. H. Baldwin,  
A. L. Wright.

Which was granted.

Dr. Woodburn introduced special appropriation ordinance No. 26—1869, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time.

Also, special appropriation ordinance No. 27—1869, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims on account of the City Hospital for the month of June, 1869.

Which was read the first time, and referred to the Committee on Claims.

His Honor, the Mayor, offered the following motion :

*a* That the Mayor be directed to issue his proclamation offering, at the expiration of ten days from the date of the proclamation, a reward of twenty-five cents for each and every dog found or kept in violation of law within the city limits and brought to the City Marshal at the Pound to be established for the confinement of such animals; and that the Marshal be authorized to provide an appropriate Pound for the purpose, at a cost not to exceed fifty dollars: *Provided*, That the Marshal shall retain each dog, when so brought to him, forty-eight hours and then destroy the same, should there be no claimant for it having a proper license as provided by law: *And provided further*, That any such claimant may reclaim a dog so impounded upon paying to the City Marshal a fee of twenty-five cents, and fifty cents if the dog shall have been kept in the Pound more than one day, and the license.

Which was adopted.



On motion, the Committee on Revision of Ordinances was directed to report an ordinance in regard to hogs, &c.

Sealed proposals for public work were referred to the Committee on Streets and Alleys without reading.

REPORTS FROM COMMITTEES.

Mr. Newman, from the Committee on Judiciary, made the following report :

INDIANAPOLIS, July 7, 1869.

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

The Judiciary Committee, to whom and to the City Attorney the petition of John P. Frenzel and others was referred, report the opinion of the City Attorney long acquainted with the public affairs of the City.

The petition says the "alley has been dedicated to the public in numerous deeds, which describe the same, and in several plats filed with said deeds." The names of grantors in the deeds or plats are not given, and it would be very laborious and tedious, without more definite data, to make an examination of the records to determine certainly that the alley was dedicated to the public. The City Attorney gives it as his opinion that "the best way to test the question will be to cause a complaint to be filed against the party obstructing the alley and this will bring up the whole matter." If this complaint shall be made by the City, the affirmative will be on the City to prove the obstruction of a public alley, and the Committee suggest whether it would not be preferable to have an abstract of the records made, date of deeds, pages of record books, &c., so as to enable the proper authorities to determine before hand whether the alley is a public one.

J. S. NEWMAN, Chairman.

Which were concurred in.

Also, the following :

INDIANAPOLIS, June 28, 1869.

*Hon. John S. Newman, Chairman :*

DEAR SIR:—The alley mentioned in the petition has been long used as a public alley, and I am satisfied was dedicated to the public. Several years ago permission was given, by Council, to arch it over at the intersection of Louisiana street, but no permission, so far as I can ascertain, was ever given to obstruct it as it has been obstructed. I do not believe the Council could legally authorize the obstruction of a public alley. The best way to test the question will be to cause complaint to be filed against the party obstructing the alley, and this will bring up the whole matter.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Dr. Woodburn, from the Committee on Benevolence, presented the following :

RECAPITULATION OF THE MONTHLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 30, 1869.

Number of patients in Hospital at last report .....	20
Number of patients received in Hospital since last report.....	13
Number of patients born in Hospital since last report.....	3
Number of patients discharged from Hospital since last report.....	17
Number of patients died in Hospital since last report .....	0
Number of patients remaining in Hospital at present report .....	19

Also the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING JUNE 30, 1869.

Total expenditures for the month.....	\$387 07
Aggregate number of days for which subsistence, etc., was furnished .....	659
Average expense per capita per diem.....	0.58

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JULY 3, 1869.

Number of patients in Hospital at last report.....	17
Number of patients received in Hospital since last report.....	2
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report.....	3
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	17

Which were received.

Mr. Kahn, from the Committee on Claims, introduced special appropriation ordinance No. 28 —1869, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time.

By consent, the Civil Engineer made the following report :

INDIANAPOLIS, July 7, 1869.

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

GENTLEMEN:—I hereby report the following work finished according to contract:

John Scheier, for grading and graveling St. Clair street and sidewalks, between Tennessee and Missouri streets:

Length on the north side,	-	-	-	-	868 feet.
Length on the south side,	-	-	-	-	858 "
Total length,	-	-	-	-	1726 "
At 53½ cents per lineal foot,	-	-	-	-	\$923 41

Also, Samuel Lefever, for work done on Ray street sewer :

800 feet of sewer at \$5 per lineal foot,	-	-	-	-	\$4,000 00
Deduct 15 per cent.,	-	-	-	-	600 00
					\$3,400 00
Present payment,	-	-	-	-	\$3,400 00

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

Mr. Kahn moved to suspend the rules and that the above ordinance be read the second and third times and placed upon its passage.

The question being on a suspension of the rules,

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Heckman, Kahn, Kennington, Locke, Marsee, Shepherd, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

Those who voted in the negative were Councilmen Harrison and Newman—2.

So the rules were suspended, and the ordinance read the second and third times and placed upon its passage.

The question being, shall the ordinance pass ?

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Newman moved that the rules be suspended and that the ordinance appropriating Bonds to the Crawfordsville Railroad Company be taken up on its second reading.


The question being on a suspension of the rules,

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Shepherd Thalman, Weaver and Wiles—10.


Those who voted in the negative were Councilmen Cottrell, Gimber, Heckman, Kennington, Thoms, Whitsit and Woodburn—7.

So the rules were not suspended.

On motion the Council adjourned

  
~~DANIEL MACAULEY~~, Mayor.

ATTEST:

  
~~D. M. BUNSELL~~, City Clerk.