

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, SEPTEMBER 27TH, 1869, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

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

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kington, Locke, Marsee, Newman, Shepherd, Thalman, Thoms,
Warr, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Pyle—1.

The proceedings of the regular session held Sept. 20, 1869, were
read and approved.

Several proposals for public work were opened and read by the City
Council and referred to the Committee on Contracts.

In motion, the Committee on Benevolence and Hospitals was in-
vited to have the necessary repairs made on the Pest House.

Mr. Brown presented the following communication :

LOUISVILLE, KY., Sept. 25, 1869.

Austin H. Brown, Esq., Indianapolis, Indiana :

DEAR SIR:—Yours of the 23d instant just received As requested I herewith mail you a copy of the Memphis Report.

Permit me to add, that if you have not already employed an Engineer for planning and erecting your works, I would like to confer with the proper parties before you make an engagement. The subject of building Water Works I understand thoroughly. I refer you to Louisville, Memphis and Bowling Green; at the latter town I am now completing works from my own plans and estimates, and when completed the actual cost will not vary one per cent. from the estimated cost.

Very respectfully,

CHAS. HERMANY.

Which was referred to the Committee on Water Works.

Mr. Gimber offered the following motion :

That F. Beck and John Feil be allowed to grade and pave with brick the sidewalk in front of their property, lots Nos. 15, 16 and 17, in out-lot No. 121, and that the Civil Engineer be directed to set the grade stakes for the same.

Which was adopted.

Mr. Cottrell moved to reconsider the vote referring the bids for the construction of the Sewer to the Committee on Contracts.

The question being on reconsidering,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd Thalman, Thoms and Whitsit—10.

Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Newman, Weaver and Woodburn—6.

So the vote was reconsidered.

Mr. Brown moved that the bids for Sewer be referred to the Committee on Sewerage.

The question being on Mr. Brown's motion of reference,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman, Thoms and Whitsit—10.

Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Newman, Weaver, Wiles and Woodburn—7.

So the motion to refer to the Committee on Sewerage was adopted.

Mr. Harrison offered the following motion :

That the Street Commissioner be, and he is hereby, instructed to repair St. Joseph street, from Fort Wayne Avenue to Delaware street.

Which was adopted.

Also, the following remonstrance :

INDIANAPOLIS, Sept. 27, 1869.

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

GENTLEMEN:—We, the undersigned, property owners on Fort Wayne Avenue, between Delaware street and the Corporation line north, respectfully show your honorable body that we are not satisfied with the "Miner" lamps which have been erected on said Avenue. They have thus far given but a very feeble light, and, in our opinion, are much inferior to the old lamps. We are not disposed to pay the assessments against us for said lamps, except under protest. And we pray your honorable body to remove said lamps and give us the old pattern of lamps in lieu thereof, and we hereby pledge ourselves to pay the difference of cost in making the exchange, provided the new ones cannot be made to give equal light.

Philip J. Kahn,
Wm. Ruschmann,
Leedwig Sahn,

George Geisel,
Ch. Schloer,
And 19 others.

Which was referred to the Committee on Gas Light.

Mr. Harrison offered the following resolution :

Resolved, First That the resolution offered by Mr. Marsee "to adopt the plan for the South street Sewer, recommended by the Committee," and adopted Sept. 13, 1869, be, and the same is hereby, rescinded.

Second. That the questions of Sewerage and Water Works be submitted to the people of the city, and that the Mayor issue his proclamation for an election on said questions, to be held at such time as he may designate within the next sixty days, that a vote of the tax payers of the city may be taken *pro* and *con* on each question separately.

Mr. Cottrell moved to indefinitely postpone the consideration of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman and Whitsit—9.

Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Newman, Thoms, Weaver and Wiles—7.

So the motion to indefinitely postpone was adopted.

Mr. Kahn introduced special ordinance No. 115—1869, entitled :

AN ORDINANCE to provide for paving with brick the south sidewalk of Michigan street, between Delaware street and Susquehanna alley.

Which was read the first time.

Mr. Kahn offered the following motion :

That the Street Commissioner be instructed to open the gutters and re-set the foot bridges on the south side of Michigan street at the crossing of Susquehanna alley in Square 17.

Which was adopted.

Mr. Locke presented the following petition :

INDIANAPOLIS, Sept. 27, 1869.

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

GENTLEMEN :—The undersigned, owners of the real estate fronting on Pitts street, between North street and Indiana Avenue, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of said street. And your petitioners will ever pray, &c.

James Renihan,	G. M. Davis,
Patrick Hurley,	Wm. Arthur,
John Murphy,	John Hurley.

Which was received.

Mr. Newman presented the following communication :

INDIANAPOLIS, Sept. 27, 1869.

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

The undersigned proposes, if the City Council will grant the necessary Charter, to proceed without delay to cause a company to be organized for the purpose of constructing works on the Holly system to supply this city and its inhabitants with pure water for public and domestic uses.

The Company, when organized, will complete the works within a brief space of time, to be designated by the Council.

It will engage to supply the city with a competent supply of water at all times for the prompt extinguishment of fires, for sewerage uses, and for all other public purposes at a fixed rate, which shall not be exceeded, and from time to time at as much less a rate as water shall be furnished to other cities of like population; and it will engage to supply the inhabitants of the city for domestic uses with a complete supply of water at as cheap a rate as other cities of the United States of like population are supplied.

The Company, after its works shall have been constructed, will consent to a forfeiture of its franchise if it shall fail to fulfill its engagements, and it will then consent that the city or any company shall have the right to construct Water Works for supplying the city and its inhabitants on the Reservoir or other systems.

The undersigned respectfully asks that this petition may receive a favorable, and on account of the lateness of the season, a prompt consideration from your honorable body.

I have the honor to be,
Most respectfully,
Your obedient servant,

JAMES O. WOODRUFF.

Which was referred to the Committee on Water Works.

Mr. Wiles offered the following motion :

That a general change of locations be made in the intermediate public gas lamps, so that the same may serve to light the alleys; that said changes be

superintended by the Committee on Gas Light and the City Gas Inspector, with power to direct the Street Commissioner to furnish the necessary laborers from his force to open the trenches, dig up and re-set lamp-posts, and repair the streets, and also to employ the needed employes of the Gas Company to tap mains, and do like work.

Which was adopted.

Also, the following motions:

It being advisable to move the public gas lamp on South Pennsylvania street, in front of the Gas Works, that a bracket lamp, to be attached to the wall of the Gas Works, be substituted for a post lamp.

That Mr. Shlater, Superintendent, be allowed to stand the trains of the Indianapolis and Crawfordsville Railroad on Butsch & Dickson's switch track, on Kentucky Avenue, during the present week, he having obtained consent of said gentlemen so to do.

Which were adopted.

Dr. Woodburn presented the following remonstrance:

INDIANAPOLIS, Sept. 27, 1869.

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

The undersigned, owners of property on Muskingum alley, between Pratt and First streets, would respectfully state that at a meeting of the Council, held on the 9th instant, an ordinance was passed providing for the grading and graveling of said alley, between Pratt and First streets.

We would also state that the petition asking for said improvement was signed by but three persons owning property on said alley, who, we believe, are the only persons desiring said improvement. That the petition was not generally circulated among the property holders, in fact, we were not aware that any such petition was being circulated.

We would further state that said alley is a private alley, but little used, is in good condition, and that its improvement would not be of any general benefit, and there is no exigency demanding said improvement.

In view of the fact that we represent over one half of the number of feet on said alley, and that we do not desire at this time that the improvement should be made, we respectfully ask your honorable body to reconsider your action in ordering said improvement.

Jesse Jones,

Deloss Root,

Thomas Schooley,

A. J. Hinesley,

Jas. M. Tomlinson,

And 4 others.

Which was referred to the Committee on Streets and Alleys.

REPORTS FROM COMMITTEES.

Dr. Woodburn, from the Committee on Accounts and Claims, introduced special appropriation ordinance No. 41—1869, entitled:

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

Which was read the first time.

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

INDIANAPOLIS, Sept. 27, 1869.

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

The undersigned, Committee on Finance, to whom was referred the petition of James Skillen, have had the same under consideration, and ask leave to report that they cannot see the propriety of granting the relief asked for. It is a general rule under our revenue system, State and local, that the borrower of money, whether he has it on hand or has it invested in business, is taxable on the value on the day when taxes attach to personal property, and the lender is also taxable on the debt in his favor, if solvent, as well as he is on any other debt due him.

Respectfully submitted,

J. S. NEWMAN,
THOS. COTTRELL, } Committee.
J. H. WOODBURN, }

Which was concurred in.

Mr. Harrison made the following report :

INDIANAPOLIS, Sept. 27, 1869

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

GENTLEMEN:—The Committee on Revision of Ordinances, to whom was referred a petition in regard to hacks, with instructions to report an ordinance in accordance with the petition, do herewith report an ordinance in accordance with said instructions, and recommend that the same be passed.

Respectfully submitted,

TEMPLE C. HARRISON, } Committee.
ERIE LOCKE,
THOMAS COTTRELL, }

Which was received.

Also, general ordinance No. 54—1869, entitled :

AN ORDINANCE prohibiting persons from acting as runners for hacks, and compelling owners or drivers of hacks to wear badges designating respectively the number of their hacks while in charge of the same.

Which was read the first time.

Mr. Weaver made the following report :

INDIANAPOLIS, Sept. 27, 1869.

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

The undersigned, to whom was referred the matter of the purchase of certain real estate from Thomas Wren, respectfully report :

That the deed for said real estate, to-wit, of a part of lot —, size forty by one hundred and twenty-two feet, has been executed and delivered to John C. New. It is necessary to pay off certain incumbrances before the title will be perfect, but it is agreed that Mr. New shall apply to the payment thereof the money to be paid by the city. We therefore respectfully recom-

mend that the Treasurer be directed to pay said money to John C. New, taking from him a receipt and agreement to apply the same to the payment of taxes and other liens under the direction of the City Attorney. The money should be paid immediately.

Respectfully,

WM. W. WEAVER, } Committee.
H. GIMBER, }
E. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Dr. Woodburn presented the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING SEPTEMBER 18, 1869.

Number of patients in Hospital at last report.....	28
Number of patients received in Hospital since last report.....	10
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	10
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	28

Which was received.

Also, the following report :

INDIANAPOLIS, Sept. 27, 1869.

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

GENTLEMEN:—The Committee on Benevolence and Hospitals, to whom was referred a petition signed by Louis Lang, Charles Balls, Frederick Ritzinger, and others, asking the Common Council to release one Casper Hoffman from payment of a claim for street improvement made in front of 75 feet off the east end of lot 29, in out-lot 176, in the City of Indianapolis, would report, that while we believe it would be an act of charity to relieve said Casper Hoffman from the payment of said claim, we are satisfied that the Common Council has no right to grant relief of that kind out of the City Treasury, and in doing so would be establishing a dangerous precedent, therefore, in view of the facts stated, the Committee respectfully report adversely to the prayer of the petitioners.

All of which is respectfully submitted.

J. H. WOODBURN, } Committee.
WM. W. WEAVER, }

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report :

INDIANAPOLIS, Sept. 27, 1869.

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

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

Hanway & Lefever, for grading, graveling and bowldcring the gutters and street and alley crossings on Illinois street from St. Clair to First street :

Length of graveling 2173 feet 9 inches, at \$1 35 per lineal foot, \$2,934 56

Length of bowldered gutters 2143 feet 9 inches, at 59½ cents per	
lineal foot, - - - - -	1,275 53
321.6 square yards of bowldering, at 76½ cents, - - - - -	246 02
Total estimate, - - - - -	\$4,456 11
5. Samuel Lefever for work done on Ray street Sewer :	
2200 lineal feet of sewer, at \$5 per lineal foot, - - - - -	\$11,000 00
Deduct 15 per cent., - - - - -	1,650 00
Total payment, - - - - -	\$9,350 00
Deduct former payment, - - - - -	6,375 00
Present payment, - - - - -	\$2,975 00
Respectfully,	R. M. PATTERSON, <i>Civil Engineer.</i>

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
Indianapolis, Sept. 27, 1869. }

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

The City Clerk respectfully reports to the Common Council the following Contracts and Estimate :

1st. Contract and bond of Burke & Richter for building two stone culverts, one at the crossing of Market street on Tennessee street, and one on the west side of Delaware street, at the intersection of the Central and Union Railway tracks.

2d. Contract and bond of James Mahoney for graveling Huron street from Cedar street to the Corporation line east.

3d. Contract and bond of Robert H. Patterson for grading and graveling Douglass street and sidewalks from New York to North street.

4th. Contract and bond of Hanway & Lefever for grading and graveling Gregg street and sidewalks from East street to the first alley east of East street.

5th. First and final estimate allowed Hanway & Lefever for grading and graveling the street, bowldering the gutters, and bowldering the crossings of streets and alleys the width of the sidewalks, of Illinois street, from the north side of St. Clair to First street.

6th. Contract and bond of Newton Kowan for grading and graveling Pratt street and sidewalks from Illinois to Tennessee street.

7th. Contract and bond of Newton Kowan for grading and graveling the north sidewalk on North street from the Canal to West street.

8th. Contract and bond of Feary and Dillon for grading and paving with brick the east sidewalk on Alabama street from Market street to Massachusetts Avenue.

9th. Contract and bond of Feary & Dillon for grading and paving the north sidewalk on Indiana Avenue from Mississippi to West street.

10th. Contract and bond of Feary & Dillon for grading, paving and curbing the east sidewalk on Delaware street from Fort Wayne Avenue to St. Clair street.

Respectfully submitted,

DANIEL M. RANSELL, *City Clerk.*

Which was concurred in, with the exception of that part of the

report referring to the estimate for work being done on Illinois street, which portion of the report was referred to the City Attorney, with instructions to report in regard to who should bear the expense of raising the Street Railway track.

By consent, Mr. Cottrell, from a Select Committee, made the following report :

INDIANAPOLIS, Sept. 27, 1869.

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

GENTLEMEN:—We, the undersigned, being a Select Committee, to whom was referred the duty of examining the causes which induced the Chief Fire Engineer to remove Mr. Frank Glazier from his position as Engineer of Fire Company No. 1, met upon call of the Chairman of said Committee and proceeded with the investigation. Upon the request of the Committee the Chief Fire Engineer presented the following charge :

After a full and careful investigation of the said charge, receiving such testimony as was presented in support of the same, and such evidence as was adduced in opposition thereto, weighing it all and allowing full value thereto, have arrived at the conclusion that the charge was not sustained, but on the contrary we find that Mr. Glazier has been a prompt, faithful, diligent and reliable Engineer; that the engine has not been burned as charged; also that the Chief Fire Engineer erred in discharging him. We also exonerate the Chief Fire Engineer from any intention of wrong doing, but simply an excusable mistake caused by misinformation. We therefore recommend the adoption of the following resolutions :

Resolved, That the charge made that Frank Glazier burned the Fire Engine in his charge has not been sustained by the testimony.

Resolved further, That exact justice demands the reinstatement of Mr. Frank Glazier to the charge of the No. 1 Engine, from which he was recently suspended.

Respectfully,

THOMAS COTTRELL,	} Committee.
WM. W. WEAVER,	
WM. D. WILES,	

In reference to which Mr. Locke offered the following motion :

That action upon the report of the Special Committee who was appointed to investigate the case of Frank Glazier for incompetency as an officer be indefinitely postponed.

The ayes and noes, being called on Mr. Locke's motion,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Locke, Marsee, Newman and Thoms—9.

Those who voted in the negative were Councilmen Cottrell, Kennington, Shepherd, Thalman, Weaver, ~~Whitig, Wiles and Woodburn~~—8.

So the motion was adopted.

ORDINANCES ON SECOND READING.

On motion, special appropriation ordinances Nos. 40 and 41—1869, were read the second time and ordered to be engrossed.

By unanimous consent, the rules were suspended, and special appropriation ordinance No. 41—1869, appropriating money for the payment of sundry claims against the City of Indianapolis, was read the third time and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Thalmann, Weaver, Whitsit, Wiles and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

a. Also, special appropriation ordinance No. 40—1869, appropriating money for the payment of sundry claims against the City of Indianapolis, was read the third time and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Thalmann, Weaver, Whitsit, Wiles and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Wiles offered the following motion :

That the Street Lamps be kept lighted all night during the present week.

Which was adopted.

On motion the Council adjourned.

Daniel Macauley
DANIEL MACAULEY, Mayor.

ATTEST:

S. M. Russell
~~S. M. Russell~~, City Clerk.