

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, OCTOBER 18TH, 1869, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

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

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman,
Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—None.

The proceedings of the regular session held Oct. 11, 1869, were
read and approved.

Sealed proposals for public work were opened and read by the
City Clerk, and referred to the appropriate committees.

Business was resumed in the order in which it was left off at the
last meeting.

Mr. Whitsit offered the following motion :

That the owner of lots 16, 17 and 18, in out-lot No. 78, be permitted to

grade and gravel the sidewalk in front of said lots, at the owner's expense, under the direction of the Civil Engineer; said engineer to set the necessary grade stakes.

Which was a opted.

Dr. Woodburn offered the following motion :

That the Street Commissioner be instructed to notify the Citizens' Street Railway Company to raise or lower their track on Illinois street, between Ohio and North streets; and, upon their refusal or neglect to do said work immediately, that the Street Commissioner proceed to do the work without delay, and that the expense thereof be charged against, and collected from, said Company.

Which was adopted.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, Oct. 18, 1869.

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

GENTLEMEN:—The undersigned respectfully show to your Honorable Body, that they have graveled the north half of the crossing on Tennessee street, at the intersection of First street, connecting with the graveled of said street between First and Second streets; and they respectfully ask that the Street Commissioner be ordered to gravel the south half of said crossing, from the city line in the middle of First street, to the south side of First street, and connecting with the graveled already done.

GEORGE CARTER,
J. M. YOUART,
DR. HALE.

Which was granted, and the Street Commissioner ordered to do the work.

Dr. Woodburn presented the following communication :

INDIANAPOLIS, Oct. 18, 1869.

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

GENTLEMEN:—I would respectfully represent to your Honorable Body, that on the 23d day of August, 1862, the Common Council of this city adopted a motion, (a copy of which is herewith submitted,) authorizing the owner of lots Nos. 1, 2 and 20, in square No. 7, on North Illinois street, to boulder the gutters in front of the said lots; that the same was done under the direction of the City Engineer; that said Illinois street is now being repaired by order of your Honorable Body, and the contractor has taken up the boulders from said gutters, and re-laid them according to the new grade. I would respectfully ask that this matter be referred to the appropriate committee, for inquiry as to whether, after having bouldered the gutters under direction of the proper city officer, I am liable for expense incurred by reason of change of grade; and further, that proper allowance be made for materials belonging to me, used in the reconstruction of said gutter.

Respectfully,

D. W. GRUBBS.

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

Dr. Woodburn presented the following petition:

INDIANAPOLIS, Oct. 18, 1869.

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

GENTLEMEN:—Your petitioner, the Pacific and Atlantic Telegraph Company of the United States, would respectfully petition your Honorable Body to grant them the right of way for their telegraph line through your city, on the following route, to-wit:

Commencing at a point where St. Clair street crosses the track of the Chicago, Cleveland, Cincinnati and Indianapolis Railway Company's (late Bellefontaine) track; thence west on St. Clair, to Winston street; thence south on the west side of Winston street, to south side of Washington street; thence along south side Washington street to White River Bridge.

Your petitioner proposes to erect said line through the city with well dressed and painted poles, and so high from the surface of the streets, as not to interfere with the use or business of the streets.

And your petitioner will ever pray.

Pacific and Atlantic Telegraph Company of the United States.

Which was received.

Dr. Woodburn introduced general ordinance No. 55—1869, entitled:

AN ORDINANCE authorizing the Pacific and Atlantic Telegraph Company of the United States to construct, erect and maintain a telegraph line in and through the city of Indianapolis.

Which was read the first time.

Dr. Woodburn moved to suspend the rules, for the purpose of reading the ordinance the second and third times, and putting it upon its passage.

The question being on a suspension of the rules,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Those who voted in the negative were Councilmen Cottrell, Heckman, Kennington and Shepherd—4.

So the rules were suspended and the ordinance read the second time, and after various amendments being made, the ordinance was ordered to be engrossed.

The ordinance was then read the third time and placed upon its passage.

The question being, ehall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Those who voted in the negative were Councilmen Cottrell and Kennington—2.

So the ordinance passed.

Dr. Woodburn offered the following resolution :

WHEREAS, Daniel Mahoney, the contractor for grading and graveling Vine street and sidewalks, between Jackson and Ash streets, has failed to grade and gravel said street according to contract and agreement made and entered into with the Common Council, August 30, 1869; therefore

Resolved, That the said contract and agreement, made and entered into by the Common Council with the said Daniel Mahoney, for grading and graveling Vine street and sidewalks, between Jackson and Ash streets, be now declared forfeited, and that the City Attorney be directed to bring suit against him and his security, William Courtney, for failure to complete said work according to contract—his contract having expired on the 15th day of October.

Mr. Gimber presented the following report.

INDIANAPOLIS, Oct. 18, 1869.

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

GENTLEMEN.—The Committee on Contracts would report that Dan. Mahoney, the contractor for grading and graveling Vine street and sidewalks, from Jackson to Ash street, has failed to finish the contract awarded him on the 30th day of August, 1869, and the time in which he had to complete said work having expired on the 15th of October, 1869, the Committee would report, that the said contract be declared forfeited, and that the contract for the improvement of said street be awarded to Hanway & Lefever, at 68½ cts. per lineal foot front, Mahoney's bid being 64 cents.

Respectfully submitted,

WM. D. WILES,
ISAAC THALMAN, } Committee.
HENRY GIMBER,

On motion, the resolution and report were postponed one week.

Dr. Woodburn offered the following motion :

That the Printing Committee be authorized to have twenty five copies of the new revision of ordinances bound in good style, for exchange with other cities.

Mr. Brown offered the following amendment :

That — copies of the new compilation of General Ordinances, now near

its completion, be interleaved, and be bound in law sheep, and that the same be issued, by the City Clerk, to the members of the present and future Councils and to city officers; that — copies be bound in same style of the above, but not interleaved, and sent by the City Clerk to cities showing like favors to Indiapolis; and that the balance of the edition be bound in the style of the Acts of the Indiana Legislature.

On motion, both the motion and amendment were referred to the Committee on Printing.

Dr. Woodburn offered the following resolution :

Resolved, That the City Marshal notify Messrs. Carey & Company to remove, within ten days, so much of the building owned by them, on Georgia street, between West and Helen streets, as obstructs the street, and on failure to do so in the time given, to have the same done.

The question being on the passage of the resolution :

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

Councilman Newman voting in the negative.

So the resolution passed.

Dr. Woodburn presented the following communication :

CINCINNATI, October 14, 1869.

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

GENTLEMEN:—We make rattan brooms for cleaning streets. They are used by the Street Cleaning Department of Cincinnati. They sell at \$8 per dozen. We would be pleased to receive your order, if only for a sample broom.

Yours respectfully,

WM. BROMWELL & CO.

Mr. Thoms moved to lay the communication on the table.

Dr. Woodburn called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Kennington, Marsee, Shepherd, Newman, Pyle, Thoms and Whitsitt—9.

Those who voted in the negative were Councilmen Harrison, Heckman, Kahn, Locke, Thalman, Weaver, Wiles and Woodburn—8.

So the motion to lay on the table was adopted.

Dr. Woodburn introduced special appropriation ordinance No. 47, 869—entitled :

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

Which was read the first time.

Dr. Woodburn moved to suspend the rules, for the purpose of reading the ordinance the second and third times, and to take up the Civil Engineer's and City Clerk's reports.

The question being on a suspension of the rules,

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

Those who voted in the negative were Councilmen Brown, Cottrell, Heckman, Kennington, Marsee, Shepherd, Thoms and Whitsit—8.

So the rules were not suspended.

Dr. Woodburn offered the following resolution :

Resolved, That the recommendation of Moses Lane, Civil Engineer, in regard to the location of a "main or trunk sewer" on Washington street, from Kentucky Avenue to Pogue's Run east, be and the same is hereby adopted.

The question being on the adoption of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Weaver, Whitsit, Wiles and Woodburn—16.

Those who voted in the negative were Councilmen Kahn and Thoms—2.

So the resolution was adopted

Dr. Woodburn offered the following resolution :

Resolved, That the Civil Engineer be instructed to prepare plans for the construction of "Washington street sewer," and an estimate of the cost of the same, and report to Council at next meeting.

The question being on the passage of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Weaver, Whitsit, Wiles and Woodburn—16.

Those who voted in the negative were Councilmen Kahn and Thoms—2.

So the resolution was adopted.

Dr. Woodburn offered the following resolution :

Resolved, That all sewers of the diameter of five feet or over, shall be denominated "main or trunk sewers."

Mr. Marsee offered the following amendment :

Resolved, That the members of this Council have unlimited confidence in the ability of Mr. Moses Lane, as a sewerage engineer, and we hereby pledge ourselves to allow him to designate which shall be considered main sewers and which lateral sewers, in the sewerage system of this city.

Mr. Brown moved to refer both motions to the Committee on Sewerage.

The question being on the motion to refer,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Thoms and Whitsit—11.

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

So the motion to refer was adopted.

Dr. Woodburn offered the following resolution :

Resolved, That one-half of the cost of every main or trunk sewer shall be assessed against the property benefitted, and the other half of such cost shall be paid by the issuance and sale of city bonds.

Mr. Whitsit moved to lay the resolution on the table.

Mr. Kahn moved to lay Mr. Whitsit's motion on the table.

Which motion his Honor decided was not in order.

Mr. Newman appealed from the decision.

The question being, shall the decision of the Chair stand?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kennington, Kahn, Locke, Marsee, Pyle, Shepherd, Thalman, Thoms, Weaver, Wiles and Whitsit—16.

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

So the decision of the Chair was sustained.

The question then being on Mr. Whitsit's motion to lay the resolution on the table.

The ayes and noes were called.

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, Pyle, Thoms, Weaver, Wiles and Woodburn—9.

There being a tie vote, his Honor the Mayor voted in the negative.

So the motion to lay the resolution on the table was lost.

Mr. Marsee moved to refer Dr. Woodburn's resolution to the Committee on Sewerage.

After a lengthy discussion,

Mr. Cottrell called for the previous question.

The question then being on sustaining the demand for the previous question,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Wiles and Whitsit—11.

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

So the demand for the previous question was sustained.

Mr. Newman moved to adjourn.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Newman, Pyle, Thoms, Weaver and Woodburn—8.

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

So the motion to adjourn was lost.

The question being on Mr. Marsee's motion, to refer the resolution offered by Dr. Woodburn to the Sewerage Committee.

Mr. Harrison moved to lay the motion of reference on the table, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Locke, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

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

So the motion of reference was laid on the table.

Mr. Kahn moved to adjourn, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—9.

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

There being a tie vote, his Honor the Mayor voted in the affirmative.

So the motion to adjourn was adopted.

Daniel Macauley
DANIEL MACAULEY, Mayor.

ATTEST

Sam Rensdell
S. M. Rensdell, City Clerk.