

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
MONDAY, NOVEMBER 1ST, 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, Thalman, Thoms, Weaver,
Whitsit, Wiles and Woodburn—17.

Absent—Councilman Shepherd—1.

The proceedings of the regular session* held Oct. 25, 1869, and
of the adjourned session held Oct. 26, 1869, and also of the called
session held Oct 27, 1869, were read and approved.

His Honor announced that the special order for the evening was
the report of the Committee on Sewerage.

Mr. Marsee, from the Committee on Sewerage, made the following
report :

INDIANAPOLIS, Nov. 1, 1869

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

GENTLEMEN:—Your Committee, to whom was referred the proposals for the
building of the South street sewer, would respectfully report, that they have

examined the same, and find John A. Whitsit to be the lowest and best bidder for said work; his bid being—for excavating and building that portion of the sewer from East street to Pogue's run, ten dollars and forty-five cents per lineal foot, and for building the catch-basins and man-holes, eighteen dollars per thousand actual brick. We would therefore recommend that he be awarded the contract.

Respectfully,

JOHN L. MARSEE, }
 ERIE LOCKE, } Committee.
 C. E. WHITSIT. }

Before any action could be taken on the report, the Sheriff of Marion county appeared, and served a restraining order or injunction on the Common Council, restraining or enjoining the awarding of any contract for sewerage, and also a summons for the Mayor and Common Council to appear before the Judge of the Marion Civil Circuit Court, at the term to commence on the first Monday of December, 1869, to answer to the complaint of Love H. Jameson.

Dr. Woodburn offered the following motion :

That the City Attorney be instructed to represent and defend the city in the injunction trial in the Marion Civil Circuit Court, to be held in December next.

Mr. Cottrell offered the following amendment, as a substitute for Dr. Woodburn's motion.

That the plaintiff and sureties be held strictly liable for all damages that may occur to the city, or to James M. Huffer or others, by reason of the temporary injunction obtained in said case.

Dr. Woodburn moved that Mr. Cottrell's substitute be laid on the table.

The question being to lay on the table.

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

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

So the amendment was not laid on the table.

The question then being on the adoption of the amendment as offered by Mr. Cottrell.

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

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

So the amendment was adopted.

The question then being on the adoption of Dr. Woodburn's motion as amended.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Pyle, Thalman, Thoms, Weaver, Whitsit and Wiles—13.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman and Woodburn—4.

So the motion, as amended, was adopted.

Mr. Brown moved that the report of the Sewerage Committee be concurred in, and the contract awarded.

His Honor, the Mayor, asked and obtained permission to file the following protest:

INDIANAPOLIS, Nov. 1, 1869.

To the Common Council of the City of Indianapolis:

GENTLEMEN:—Considering, as I do, that I am bound by the order of the Marion Civil Circuit Court, I respectfully decline to put this question. I ask your Honorable Body to excuse me from taking any action in this matter, because I do not desire, in any wise, to infringe upon the order of the Court.

Which was accepted, and his Honor excused from putting the question.

On [motion by Mr. Locke, Mr. Brown took the chair, and announced that the question before the house was on the motion to concur in the report of the Sewerage Committee, and awarding the contract to John A. Whitsit.

Mr. Pyle asked to be excused from voting on the question, on account of having paired off with Mr. Shepherd, who was absent.

Which was granted.

The question then being on the adoption of Mr. Brown's motion, to concur in the report of the Sewerage Committee.

The ayes and noes were demanded.

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

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

So the report was concurred in and the contract awarded.

Mr. Cottrell moved that the vote just taken, by which the contract was awarded, be reconsidered.

The question being on the adoption of the motion to reconsider.

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

No Councilman voting in the negative.

So the motion to reconsider was adopted.

On motion the Council adjourned.

Paul H. McAuley
~~FRANK M. CAULEY~~, Mayor.

ATTEST:

Wm Ransdell
~~Wm Ransdell~~, City Clerk.