

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, DECEMBER 20TH, 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.

The proceedings of the regular session held December 13, 1869,  
were read and approved.

Business was then resumed in the order in which it was left off at  
last meeting, viz :

His Honor, the Mayor, introduced general ordinance No. 60, 1869  
—entitled :

AN ORDINANCE directing the City Clerk to issue an annual license to lessees  
of Morrison's Opera Hall, city of Indianapolis.

Which was read the first time.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—Your petitioner respectfully asks an appropriation by your honorable body of \$500, to aid the Young Men's Christian Association in relieving the wants of transient destitute persons during the present winter. Our benevolent operations are not limited to any class, age or religion; all we ask is, are they worthy objects? and, are they in need? The Association would be glad to do this work themselves, but it is impossible. Without the assistance we ask, a part of our work must be greatly crippled, and many be left to suffer. Without a Station House, it will require at least \$800 to do the work referred to, during the present winter, but the Association will assume the balance.

Respectfully submitted,

JOHN B. BRANDT, Sup't Y. M. C. A.

Which was referred to the Committee on Benevolence.

His Honor, the Mayor, offered the following motion :

That the Committee on Printing and Stationery be instructed to purchase a safe for the use of the City Treasurer, at a cost not to exceed \$600, and that the same be placed in his office.

Which was referred to the Committee on Finance.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—I hereby appoint, and ask your honorable body to confirm the appointment, of H. P. Randall and Austin B. Prather, as Deputy Assessors of the city of Indianapolis, for the year 1870.

Respectfully submitted,

WM. HADLEY, *City Assessor.*

In regard to which, his Honor offered the following resolution :

*Resolved,* That the appointments of the City Assessor be confirmed

The question being on the adoption of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Mar-

see, Newman, Pyle, Shepherd, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the resolution was adopted, and the appointments confirmed.

Mr. Harrison, from the Committee on Judiciary, and City Attorney, made the following majority report :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—The Committee on Judiciary, and City Attorney, to whom was referred a resolution offered by Mr. Newman, and also one by Mr. Thoms, in regard to the extension of the city limits, beg leave to report, that we have examined said subject, and recommend the immediate annexation of all the platted additions adjoining the city, in accordance with section 84 of the City Charter. We have prepared, and herewith submit a resolution, with preambles, embracing the additions and defining the boundaries of the same, which can be thus annexed.

We ask further time, in which to report on the annexation of contiguous territory, not platted.

Respectfully submitted,

JOHN S. NEWMAN,  
 TEMPLE C. HARRISON, } Committee.  
 B. K. ELLIOTT, *City Attorney.*

Also the following preamble and resrlution :

WHEREAS, It is provided by the eighty-fourth section of the City Charter that, "Whenever there shall be, or may have been, lots laid off and platted adjoining such city, and a record of the same is made in the Recorder's office, in the proper county, the Common Council may, by a resolution of the Board, (Council,) extend the boundary of such city so as to include such lots, and the lots thus annexed shall thereafter form a part of such city, and be within the jurisdiction of the same. The Common Council shall immediately thereafter file a copy of such resolution, defining the metes and boundaries of such additions, in the office of the Recorder aforesaid, which shall be recorded."

AND WHEREAS, It appears to the satisfaction of the Common Council, that the following named lots of land adjoining the city of Indianapolis, have been laid off and platted as additions thereto, and a record of the same has been made in the Recorder's office, in the county of Marion and State of Indiana, to-wit:

- Aldridge's Addition. ✕
- ✓ Alvord & Company's sub-division of Butler & Fletcher's addition.
- ✓ Alvord & Company's sub-yivision of Butler's 2d addition.
- Brett, Braden & Company's addition. ✕
- Budd William, heirs' addition. ✕

- Blake James' addition.  
 Butterfield A. D.'s, sub-division of Johnson's heirs addition.  
 Butler Ovid's addition, (out-lot 180 and part s e  $\frac{1}{4}$  36, 16, 3).  
 Butler Ovid's addition (part s e  $\frac{1}{4}$  36, 16, 3).  
 Butier Ovid's 2d addition.  
 Butler & Fletcher's addition.  
 Butler Ovid's addition to College Corner.  
 Butsch & Gœpper's sub-division of St. Clair's addition.  
 Bradshaw & Butler's addition.  
 Berkenmayer Jacob's addition. X  
 Burton's sub-division of Drake's addition.  
 Cincinnati and Chicago Railway Company's addition. X  
 Crane Albert's addition (north).  
 Crane & Nelson's addition (east).  
 Cosby R. M.'s sub-division of Butler's addition.  
 Dunlop & Tutewiler's sub-division of Morris' addition.  
 Drake & Buell's sub. of Peru and Indianapolis R. R. Co.'s s addition.  
 Drake & Mayhew's 1st addition.  
 Drake & Mayhew's 2d addition.  
 Drake James P.'s addition.  
 Dauegley's sub division of Drake's addition.  
 Davidson's addition to the city of Indianapolis.  
 Davidson P. A.'s addition.  
 Davidson's 3d addition.  
 Davidson's addition, (s end w  $\frac{1}{2}$  s w  $\frac{1}{4}$  6, 15, 4).  
 Ford's addition.  
 Foote Jer.'s addition.  
 Fletcher E. T. A. S. K.'s addition.  
 Fletcher C.'s sub-division of Butler & Fletcher's addition.  
 Henderson's addition.  
 Hendricks' sub-division of Drake's addition.  
 Haugh & Churchman's sub. of St. Clair's addition.  
 Hubbard William S.'s addition,  
 Hanna's heirs' addition.  
 Indianapolis and Cincinnati R. R. Company's addition (west).  
 Johnsod's heirs' addition.  
 Ketcham & Smith's sub. of Drake's addition (square 5).  
 Ketcham P Smith's sub. of Drake's addition (square 26).  
 Lingenfelter W. L.'s sub. of St. John West's addition.  
 May Allen's addition.  
 Morris B. F.'s addition.  
 Morrison James' addition.  
 Mayhew Lucia's heirs' addition.  
 Mitchell Frank's addition.  
 Martindale E. B.'s addition.  
 McKernan, Pierce & Yandes' sub. of West Heirs' addition.  
 McKernan, Pierce & Yandes' sub. of West Heirs' addition (lots 31, 32 and 33).  
 McKernan & Pierce's sub. of Henderson's addition.  
 MacIntire M. E.'s sub. of Budd's addition.  
 Patterson S. J.'s addition.  
 Peru and Indianapolis R. R. Company's south addition.  
 Patterson, Ray & Fletcher's addition.  
 Pope Joanna C.'s sub-division of St. Clair's addition.  
 Pierce Jane's sub. of Drake's addition.  
 Ross J. H.'s sub. of Drake's addition.

Rea & Harrison's sub. of Drake's addition.  
 Ray J. M.'s addition.  
 St. Clair's addition.  
 Sharpe's sub. of Blake's addition.  
 Spann, Smith & Hammond's sub. of West Heirs' addition.  
 Spann & Smith's sub. of West Heirs' addition.  
 Topp Frederica's sub. of Henderson's addition.  
 Vajen John H.'s south additton (pt. o. l. 108, &c).  
 Vajen John H.'s 3d addition.  
 Voorhees John M.'s sub. of Butler's addition.  
 West Heirs' addition.  
 West St. John's addition.  
 Williamson William's addition.  
 Wright H. & L.'s addition  
 Wright W. W.'s addition.  
 Wright W. W.'s sub. of Drake's addition.  
 Wright A. L.'s sub. of Drake's addition.  
 Willard's sub. of Blake's addition.  
 Yandes' sub-division of Carson's Farm.  
 Yeiser's heirs' addition.  
 Young John's sub. of Butler's addition.

Which said platted additions and sub-divisions are contained within the following defined metes and boundaries, to-wit :

Beginning at a point on the east side of White river, at the intersection of said river with the corporation line; thence westerly meandering with said river, on the east and north side of the same, to the southwest corner of Patterson, Ray & Fletcher's addition; thence northwesterly to the northwest corner of the Indianapolis and Cincinnati Railroad Company's addition; thence east along the north line of said addition to the mill race; thence southeasterly, meandering with said mill race, to the corporation line; thence north on the corporation line to the southeast corner of Patterson's addition; thence west on the south line of said addition to the mill race; thence northerly, meandering with the mill race, to the corporation line; thence east on the corporation line to the southwest corner of Drake & Mayhew's 2d addition; thence on the west and north line of Drake & Mayhew's 2d addition, to the west line of Brett's addition; thence on the west line to the north line of the same; thence on the north line of Brett's addition to the Michigan road; thence south along the Michigan road to the corporation line; thence east on the corporation line to the east side of the canal; thence northerly on the east side of the canal to the east side of the Michigan road; thence along the east side of the Michigan road to the north line of Crane's addition; thence east to the Indianapolis and Lafayette Railroad; thence southeasterly on the line of said railroad to the south side of Ninth street; thence east to the northeast corner of lot No. 79 in Crane's addition; thence south to Seventh or Tinker street; thence east to the southwest corner of Henderson's addition; thence north to the north line of said addition; thence east along the north line of said addition to the east line thereof; thence south along the east line of said addition to Seventh or Tinker street; thence east on said street to the east side of North Pennsylvania street; thence south to the north line of Hubbard's addition; thence east one hundred and thirty (130) feet; thence north eighty (80) feet to Tinker street; thence east along the south side of Tinker street one hundred and seventy-seven (177) feet and four (4) inches to Hawkins street; thence south one hundred and thirty-five (135) feet and ten and one-half (18½) inches; thence west to North Pennsyl-

vania street; thence south on the east side of said street to the north line of Vajen's addition; thence east to Delaware street; thence south to the south line of Martindale's addition; thence west to the east side of North Pennsylvania street; thence south to the corporation line; thence east on said line to the west line of Morrison's addition; thence north on the west line of said addition to the north line thereof; thence east on the north line of said addition to the east line thereof; thence south on the east line of said addition to the corporation line; thence east to the east side of Fort Wayne avenue; thence north to the north side of Forest Home avenue; thence east to Butler's addition; thence north to the southeast corner of Bradshaw & Butler's addition; thence west on the south line of said addition to the Fort Wayne road; thence north along said road to the north line of Bradshaw & Butler's addition; thence east to Butler's addition; thence north to Tinker street; thence west to the Fort Wayne road; thence north along said road to the north line of Johnson's addition; thence east on the north line of said addition to the east line thereof; thence south on the east line of said addition to the northeast corner of the grounds of the Northwestern Christian University; thence west to College avenue; thence south on College avenue to Forest Home avenue; thence east on Forest Home avenue to E. T. Fletcher et al's addition; thence north on the West line of said addition to the north line thereof; thence east on the north line of said addition to the east line thereof; thence south on the east line of said addition to the southeast corner thereof; thence southwesterly on the line of said addition to the south side of Massachusetts avenue; thence easterly on the north line of Hanna's heirs' addition, to the northwest corner of the U. S. Arsenal grounds; thence south to the southeast corner of lot No. 2, of Davidson's 3d addition; thence west to the west line of Preston street; thence north to the south line of Hanna's heirs addition; thence west two hundred and twenty two (229) feet, to the corporation line; thence on the corporation line to Washington street; thence east two hundred and twenty-two (222) feet, on the north line of Washington street, to the southwest corner of lot No. 1 of Davidson's addition; thence north to Market street; thence east on the south side of Market street, extended, to the northeast corner of said addition; thence south to the National road; thence east on the north line of the National road to the southwest corner of Crane & Wesson's addition; thence north to the north line of said addition; thence east on said north line to the east line of Seymour street; thence south on the east line of said street and east line of Willard's addition, to the southeast corner of said addition; thence in a northwesterly direction to Sharpe's addition; thence south to the southeast corner of lot No. 1 of said addition; thence westerly to the southwest corner of lot No. 5 of said addition; thence south to the northwest corner of lot No. 13 of said addition; thence east to the northeast corner of lot No. 18 of said addition; thence south to the Michigan road; thence northwesterly along said road to the corporation line; thence south on said line to the south side of Virginia avenue, extended; thence east on the north line of Ray's addition, to the northeast corner of lot No. 6, in said addition; thence south to the southeast corner of said lot; thence west on the south line of said addition, to the west side of the Shelbyville road; thence south on said road to the south line of Byrkenmayer's addition; thence west to the southwest corner of said addition; thence north to the corporation line; thence west on the corporation line to Japan street; thence south to the south line of B. F. Morris' addition; thence west to the Jeffersonville and Indianapolis Railroad; thence northwesterly on said railroad to the northwest corner of Foote's addition; thence east on the north line of said addition to the east side of the Madison road; thence north on the east side of the Madison road, to the northwest corner of Yeiser's addition; thence east to the southwest corner of Vajen's addition; thence

north on the west line of said addition to the corporation line; thence west on said line to the west side of Meridian street, extended; thence south on the west side of the Bluff gravel road, to the southeast corner of the Cincinnati and Chicago Railroad Company's addition; thence west on the south line of said addition, to the west side of the Canal: thence southerly on the west side of the Canal, to the southeast corner of the Peru and Indianapolis Railroad Company's addition; thence west on the south line of said addition, to White river; thence along the east side of White river, meandering with the river, to the corporation line. Therefore,

*Resolved*, That the aforementioned additions be, and the same are hereby annexed to the city of Indianapolis, and the boundary of said city is hereby extended, as above defined, to include said additions, which shall hereafter form a part of said city, and be within the jurisdiction of the same.

Mr. Brown, from Judiciary Committee, made the following minority report:

INDIANAPOLIS, Dec. 20, 1869

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

GENTLEMEN:—The undersigned, a minority of the Judiciary Committee, dissents from the views of the majority of said committee on the annexation question, so far as the same refers to the sub-divisions and additions lying on the east and south sides of the city. The undersigned believes it inexpedient, at this time, to extend the limits over the portions of the city named, but believes that the Council cannot act too promptly in annexing all that part of the platted additions lying between the northern limits and Tinker street. If the resolution can be amended so as to include only the portion referred to, it would add a large portion of contiguous territory, which will, in a few years, add greatly to our revenues, while that part lying east and south is scattered, and must for years be unproductive in a revenue sense.

AUSTIN H. BROWN.

On motion by Mr. Harrison, both reports were received.

Mr. Brown offered the following motion to strike out:

Strike out the following in the list of additions:

- Aldridge's addition.
- Brett, Braden & Company's addition.
- William Budd's heirs' addition.
- Jacob Berkenmayer's addition.
- Cincinnati and Chicago Railroad Company's addition.
- James Blake's addition.
- A. D. Butterfield's sub-division of Johnson's heirs' addition.
- Albert Crane's addition.
- Clare & Nelson's addition
- Dunlop & Tutewiler's sub-division of Morris' addition.
- Drake & Buell's sub-division of Peru and Indianapolis Railroad.
- Cox's south addition.
- Drake & Mayhew's 1st addition.
- Drake & Mayhew's 2d addition.
- Davidson's addition to the city of Indianapolis.

Davidson P. A.'s addition.  
 Davidson's addition (south end w  $\frac{1}{2}$  s w  $\frac{1}{3}$  section 6, t 15, r 4).  
 Ford's addition.  
 Jeremiah Foote's addition.  
 Hanna's heirs' addition.  
 Indianapolis and Cincinnati Railroad Company's addition (west).  
 Johnson's heirs' addition.  
 B. F. Morris' addition.  
 Lucia Mayhew's addition.  
 Frank Mitchell's sub-division.  
 M. E. MacIntire's sub-division of Budd's addition.  
 S. J. Patterson's addition.  
 Peru and Indianapolis Railroad Company's addition.  
 Patterson, Ray & Fletcher's addition.  
 J. M. Ray's addition.  
 Sharpe's sub-division of Blake's addition.  
 William Williams' addition.  
 H. & L. Wright's addition.  
 W. W. Wright's addition.  
 Willard's sub. of Blake's addition.  
 Yandes' subdivision of Carson's farm.  
 Yeiser's heirs' addition.  
 And all descriptions by metes and bounds of such additions named in said resolution.

Mr. Whitsit moved to postpone the whole matter, until the County Commissioners can be petitioned and heard from.

The question being on the motion to postpone.

The ayes and noes were demanded.

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

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

So the motion to postpone was lost.

The question then being on the adoption of Mr. Brown's motion to strike out.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cot-



trell, Gimber, Heckman, Kennington, Kahn, Shepherd, Thalman and Whitsit—9.

Those who voted in the negative were Councilmen Harrison, Locke, Marsee, 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 strike out was not adopted.

Mr. Brown moved to amend the report as offered by Mr. Harrison, as follows :

To amend the same, so as to include only that portion of contiguous territory platted as additions, lying east of the Canal and the east line of section 36, township 16, range 3, and between the present north corporation line and Tinker street, and the north line of the south half of section 35 and 36, township 16, range 3; also that portion of contiguous territory platted as additions, lying east of the corporation line east, north of the Michigan road, and between the east line of the west half of sections 6 and 7, township 15, range 3, lying north of Michigan road, and south of the north line of the west half of section 6, township 15, range 3.

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

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Brown, Gimber, Heckman, Kahn, Locke, Shepherd, Pyle, Thalman, Whitsit and Woodburn—10.

Those who voted in the negative were Councilmen Cottrell, Harrison, Kennington, Marsee, Newman, Thoms, Weaver and Wiles—8.

So the motion to amend was adopted.

The question was then put on the concurrence in the report, as offered by Mr. Harrison and amended by Mr. Brown, and also on the adoption of the resolution attached.

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

Those who voted in the negative were Councilmen Cottrell, Kennington, Marsee and Whitsit—4.

So the report as amended was concurred in, and the resolution adopted.

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

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—Your Committee on Fire Department would most respectfully report, that Messrs. Mooney & Co. have furnished the balance of the rubber hose, contracted for by your Committee.

900 feet, at 93 cents per foot -----	\$837 00
Freight on same -----	37 28
Total, -----	\$864 28

The hose have been accepted by the Chief Engineer and your Committee, and we herewith report an ordinance for the payment of the same.

Respectfully submitted,

JOHN L. MARSEE,	} Committee.
AUSTIN H. BROWN.	
ISAAC THALMAN,	

CHARLES RICHMANN, *Chief Fire Engineer.*

Which was concurred in.

Mr. Marsee, from the Committee on Fire Department, introduced special appropriation ordinance No. 54, 1869—entitled:

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

Which was read the first time.

Dr. Woodburn, from the Committee on Benevolence and Hospitals, made the following report:

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

Number of patients in Hospital at last report -----	35
Number of patients received in Hospital since last report -----	9
Number of patients born in Hospital since last report -----	0
Number of patients discharged from Hospital since last report -----	2
Number of patients died in Hospital since last report -----	1
Number of patients remaining in Hospital at present report -----	41

Which was received.

Dr. Woodburn, from the select committee, made the following report :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—The select committee appointed to confer with the sureties on the bonds of the late City Clerk, Cyrus S. Butterfield, report that from the facts presented to them, it appears that there is collectable from the sureties on the first bond of said Butterfield the sum of \$2,200. and that the amount sued for on the last bond of said Butterfield, if judgment should be obtained, cannot be collected, owing to the insolvency of the sureties. Believing it better to secure the collection of \$2,500 by compromise, rather than run the risk of getting a less sum by continuing suit, your committee recommend the acceptance of the proposition for compromise herewith submitted by the sureties of said Butterfield.

J. H. WOODBURN,  
AUSTIN H. BROWN,  
ERIE LOCKE.

Also the following proposition :

State ex rel. City of Indianapolis, No. 3093, }  
vs.  
Cyrus S. Butterfield,  
Seymour A. Butterfield,  
James G. Douglass, }

In the Marion Civil Circuit  
Court, of the  
State of Indiana.

State of Indiana ex rel. City of Indianapolis, No. 3663, }  
vs.  
Cyrus S. Butterfield,  
Seymour A. Butterfield,  
Charles Richmann. }

In the Marion Civil  
Circuit Court of the  
State of Indiana.

The undersigned, while denying any and every liability as defendants in above entitled actions, and as supposed sureties on the bonds of Cyrus S. Butterfield, as Clerk of said city, in the complaints in said actions mentioned, yet willing to buy their peace and avoid further litigation, for a compromise of said actions and all supposed and every liability on account of said bonds, and of any supposed defalcation and every defalcation of said Cyrus S. Butterfield as Clerk of said city, at any and every time, and in full satisfaction and settlement thereof, propose to said city to pay \$2,500, as follows: \$1,000 by James G. Douglass, \$300 by Charles Richman, and \$1,200 by Seymour A. Butterfield; the said persons to give their notes severally for the amounts to be paid by them respectively payable in equal instalments of said amounts, at 1, 2 and 3 years after date respectively, with 6 per cent. interest from date, without any relief from valuation laws, which notes shall be fully secured by such real or personal security as the city shall approve.

And that, upon such notes being given, with security approved as aforesaid, said bonds be cancelled, and said suits be dismissed by said city.

INDIANAPOLIS, IND., Dec 10, 1869.

CHARLES RICHMANN.  
S. A. BUTTERFIELD,  
J. G. DOUGLASS,

Which report was concurred in, and proposition accepted, and the Committee on Finance, with the City Clerk, City Treasurer and City Attorney instructed to settle with the parties, and report the same to Council.

Mr. Wiles, from the special committee, made the following report :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—Your special committee of conference on the question of amending ordinance chartering Water Works Company in the city of Indianapolis, have to report that we have attended to the same, and herewith present the following ordinance as the substance of our views, and recommend its adoption.

Respectfully submitted,

W. D. WILES,  
AUSTIN H. BROWN, } Committee.  
LEON KAHN,

AN ORDINANCE authorizing the Water Works Company of Indianapolis to construct, maintain and operate water works, and supply water to the city and citizens of Indianapolis; defining their powers and privileges, and prescribing their duties, and repealing an ordinance of like title, ordained and established the 15th day of November, 1869.

SECTION 1. *Be it ordained by the Common Council of the city of Indianapolis,* That under and by virtue of an act of the General Assembly of the State of Indiana, entitled, "An act to authorize the formation of companies for the construction of water works in and for incorporated cities, to enable such cities to subscribe for stock in such companies, and to issue and sell bonds for the payment thereof," approved March 6, 1869, and by virtue of the further powers and authority of said Common Council, otherwise in them by law vested, consent, permission and authority are hereby given, granted, and duly vested in and unto the Water Works Company of Indianapolis, a body politic and corporate, organized in the month of October, 1869, under the laws of the State of Indiana, and their successors, the privilege to construct, maintain and operate water works in and for the city of Indianapolis, to take, hold and convey pure filtered water, by steam or other power, to, into, and throughout the said city by aqueducts, pipes, or conduits; and also to take and hold by purchase or otherwise, as by law authorized, any land, real estate, easement or water rights, deemed necessary for erecting, laying and maintaining, and to erect and construct, lay, maintain and operate such aqueducts, pipes, conduits, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains, and other structures, as may be necessary or consistent to insure a sufficient supply of pure and wholesome water, and to convey the same into and throughout the city of Indianapolis.

SEC. 2. That said Water Works Company of Indianapolis, and their successors, are hereby invested with the privilege of using the streets, alleys and public grounds of the city of Indianapolis, as it is now, or may hereafter be laid out and enlarged, for the purpose of laying down in said streets, alleys, and public grounds, pipes, conduits, water-ways, and other structures, for the conveyance in and throughout said city of pure water, for the use of said city and the inhabitants thereof; subject to the limitations, conditions, and provisions herein contained, and provided that said pipes, conduits, water-ways and other structures shall be so laid as not to interfere with or abridge the

rights and privileges of the Indianapolis Gas Light and Coke Company, or interfere with other public worke, including other water works built by the city, nor with the present or future krainings of said city.

SEC. 3. That whenever said company propose to open and tear up any part of any street, alley, or public ground, for the purpose of laying down pipes or water courses, they shall give to the Street Commissioner of said city at least three days' notice thereof, and shall not, during the progress of their work, unnecessarily obstruct the passage of said street or alley; and said company shall, without unnecessary delay, complete their work upon said street or alley, and regrade, regravel, repave or reboulder the same, leaving it in as good and like condition as the same was when opened or torn up by said company. And should they fail to do so, or should they subsequently get out of repair or good condition, in consequence of any such opening or tearing up, or because of imperfect repairs, then, and in that case, the city may cause the work to be done, and may retain the amount of the cost thereof out of any moneys nue, or afterwards becoming due to said company; and the company shall be liable for any damages to any person or property resulting from neglect, mismanagement, or fault of themselves or employes. And should the city be sued therefor, the company, or some officer thereof, shall be notified of such suit, and thereupon it shall be the duty of said company to defend or settle the same; and should a judgment be recovered against the city, the city shall recover the amounts, with all costs, from said company, and the record of such judgment against the city shall be final and conclusive evidence in the cause to entitle to recover in any suit brought against said company.

SEC. 4. Said company shall, in the construction of such water works, erect and put in what is known as the "Holly System," with all its latest improvements, and in its best and most efficient form, with a maximum capacity of at least sixty millions gallons liquid measare daily. Said company shall supply to the said city of Indianapolis, upon the several streets upon which pipes and water-courses may be laid, and in such cisterns and localities off frsm said pipes and water courses as the city may conduct the same to, such quantity of water as may be required by the City Council for public use, and drainage, and fire purposes. And for the purpose of furnishing said city such nspply of water, the said company shall erect and attach as many hydrants or fire plugs as the Council may direct, and from which hydrants or fire plugs the city may draw all water necessary for the prevention or extinguishment of fires, washing, cooling, flushing, or sprinkling the streets, pavements, gutters, alleys, sewers, and public grounds; and said city may also attach to each hydrant or fire plug a cock, faucet or nozzle, from which water may be drawn by citizens and passers by for all purposes of drinking for persons and animals; and said company shall furnish to the said citizens of the city of Indianapolis, upon the several streets upon which pipes and water courses may be laid, and in such localities off from said pipes and water courses as the said citizens may conduct the same to, such quantity of soft water as they desire. And said Wates Works Company shall furnish water to said city upon such terms and conditions as may be agreed upon between the City Council and said company; and it shall also furnish water to the citizens of the city upon such terms and schedule rates as may be arranged and agreed upon by said company and said City Council annually. Said Water Works Company shall have the right to charge said city and the citizens thereof for such water as may be supplied as much as the average price paid by other cities of the United States, and citizens thereof, af like population, that are supplied with as efficient water works, unless a less price may be agreed upon—but said company shall not demand or charge a greater price. In case the Water Works Company and the City Council fail to agree upon a schedule of prices to be paid by the city and its citizens, then such schedule and rate of charges shall

be interested and determined by five disinterested persons, non-residents of said city, two of whom shall be chosen by said company, and two by the City Council, and the fifth by the four thus chosen. The rates so paid to remain in force until altered by agreement or arbitration, as aforesaid.

SEC. 5. That said company shall, within ninety days from the passage of this ordinance, commence the construction of said water works, and shall within one year and three months from the time the same is commenced, have at least five miles of water pipes laid down and connected with said water works, and at the expiration of two years and three months at least fifteen miles of pipes so laid and connected. And should said company fail to commence the construction of said water works within ninety days, or having commenced the same fail to lay down pipes as aforesaid, or having laid down pipes as aforesaid shall fail to furnish the city and citizens with pure water, at as low rates as other cities of like population are supplied, with as efficient a supply of water rates, based as provided in section four, then, and in either case, all the rights and privileges herein granted shall be forfeited by said company, and shall revert to the city of Indianapolis.

SEC. 6. That after the pipes and mains shall have been laid as aforesaid, the said company shall extend their pipes or mains for conducting water on or along any street, or any alley in said city, whenever the same shall be ordered by the Common Council; *Provided*, the said city or Common Council shall direct said company to attach thereto at least one hydrant or fire plug on each five hundred feet of pipe or main so laid or extended, and shall take therefrom a supply of water for fire or other purposes, to be paid for as provided in section four of this ordinance.

SEC. 7. At any time, on giving six months' notice, the city of Indianapolis shall have the right and privilege of purchasing from said company all the buildings, machinery, aqueducts, pipes, water courses, easements, fixtures, apparatus, and other property of said company, with all its corporate rights and privileges, but not including any franchise herein or hereinafter granted such company, or estimated value of the charter of such company, at such price as may be agreed upon by the Common Council of said city and the board of directors of said company. In case of disagreement between said parties, the price to be ascertained and determined by five disinterested persons, non-residents of said city, two of whom shall be chosen by the Common Council, and two by the board of directors of said company, and the fifth by the four thus chosen. *Provided*, that said Water Works Company shall not be allowed to sell out to any company whatsoever, without first giving to the City Council the refusal to purchase at the same rates as offered to others. If said company shall erect works to propel the machinery and pumps of said water works from surplus water from the Central Canal, they shall not dispense with the steam machinery for the same purpose, so as to be applied immediately to the water works for the supply of water to the city and citizens, as above provided; nor, in case the city shall decide at any time to purchase said water works, the use of said water from the canal be estimated in making up the valuation of the water works, nor shall any interest in the said canal be so estimated. *Provided*, the terms agreed upon by said City Council and board of directors be ratified by a majority of the legal voters of said city, at a special election to be held for that purpose. Should said city or its citizens at any time, through the carelessness or willfulness of the said company, be deprived of necessary water for thirty-six consecutive hours, said company shall be liable to a forfeiture of its chartered rights.

SEC. 8. Nothing in this ordinance contained shall be so construed as to grant to said company, or its successors, any exclusive privilege of constructing and operating water works in the city of Indianapolis, but the city hereby expressly reserve the right at any and all times, to construct and oper-

ate water works for itself, or to charter another company to construct and operate water works in said city.

SEC. 9. An ordinance authorizing the Water Works Company of Indianapolis to construct, maintain and operate water works, and supply water to the city and citizens of Indianapolis, defining their powers and privileges, and prescribing their duties, ordained and established the fifteenth day of November, 1868, be, and the same is hereby repealed.

SEC. 10. This ordinance shall be in force from and after its passage, *Provided*, there shall be filed with the Mayor within thirty days from the time of such passage a certified copy, from the records of said Water Works Company, of a resolution of the Board of Directors of said company, accepting the terms and conditions herein recited; and it is hereby made the duty of the Mayor to make proclamation of such acceptance, accompanying such proclamation with a copy of this ordinance; and should the same not be so accepted within thirty days, then this ordinance shall be null and void.

Ordained and established this — day of——.

Which report was received, and the ordinance read the first time.

On motion by Mr. Cottrell, the further consideration of the ordinance was postponed for one week.

#### REPORTS FROM CITY OFFICERS.

The Street Commissioner presented the following communication :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—I would most respectfully ask of your honorable body a leave of absence for one week.

Respectfully,

AUGUSTUS BRUNER. *Street Commissioner.*

Which, on motion, was received, and leave of absence granted.

The City Civil Engineer made the following report :

INDIANAPOLIS, Dec. 20, 1869.

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

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

Charles Rooney—For grading, paving and curbing the south sidewalk on Indiana avenue, between Mississippi and West streets.

Length of pavement,	-	-	-	834 feet 4 inches,	
At 68 cents per lineal foot,	-	-	-	-	\$567 35
Length of curb	-	-	-	1053 feet 2 inches,	
At 20 cents per lineal foot	-	-	-	-	210 63
Total estimate,	-	-	-	-	\$777 98

Also, -

Feary & Dillon—For grading, paving and curbing the east sidewalk on Delaware street, between Fort Wayne avenue and St. Clair street.

Length of pavement,	-	-	-	338 feet 6 inches,	
At 65 cents per foot,	-	-	-	-	\$220 02
Length of curb,	-	-	-	336 feet 6 inches,	
At 20 cents per foot,	-	-	-	-	67 30
Total estimate,	-	-	-	-	\$287 32

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Civil Engineer also made the following report :

INDIANAPOLIS, Dec. 20, 1869.

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

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

David Sylvester—For grading and graveling Oak street and sidewalks, between Massachusetts avenue and Cherry street.

Length on east side,	-	-	-	828 feet,	
Length on west side,	-	-	-	882 feet 9 $\frac{3}{4}$ inches,	
Total length,	-	-	-	1710 feet 9 $\frac{3}{4}$ inches,	
At 69 cents per lineal foot,	-	-	-	-	\$1180 46

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, Dec. 20, 1869. }

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

The City Clerk respectfully reports to Council:

*First,* Contract and bond of Burke & Richter, for building a stone protection wall on the north side of Louisiana street, from East to Noble street.

*Second,* Contract and bond of August Richter, for building stone abutment for an iron bridge over the waste way of the Central Canal. The Council will please designate the time when the above work shall be completed. The parties want till June 1, 1870.

*Third,* First and final estimate allowed David Sylvester, for grading and graveling Oak street and sidewalks, from Massachusetts avenue to Cherry street.



*Fourth*, First and final estimate allowed Charles Rooney, for grading, paving and curbing the south sidewalk on Indiana avenue, between Mississippi and West street.

Respectfully submitted,

D. M. RANDELL, *City Clerk*.

Which was concurred in, and bonds approved.

Also the following resolution :

*Resolved*, That the foregoing first and final estimate allowed David Sylvester, for grading and graveling Oak street and sidewalks, from Massachusetts avenue to Cherry street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the resolution was adopted.

Also the following resolution :

*Resolved*, That the foregoing first and final estimate allowed Charles Rooney for grading, paving and curbing the south sidewalk on Indiana avenue, between Mississippi and West streets, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the resolution was adopted.

The Street Commissioner made the following report :

INDIANAPOLIS, Dec. 20, 1869

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

GENTLEMEN.—In obedience to a resolution passed by your honorable body on the 6th day of December, 1869, directing the Street Commissioner to report to the Common Council why he had not cleaned out the gutter on North Pennsylvania street, as directed by the Common Council at its last meeting, I would most respectfully state, that in my judgment the street needed cleaning as well as the gutter, and I thought it best to make but one job of it, and the dirt being thin on the street, it has been frozen too hard to admit of a good job being done upon it until the 9th instant, when I began the work. It is now finished.

Respectfully submitted,

AUGUSTUS BRUNER, *Street Commissioner.*

Which was received.

The City Sexton made the following report:

INDIANAPOLIS, Nov. 1, 1869.

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

GENTLEMEN:—The following interments have been made in the City Cemeteries during the month ending November 30, 1869:

Interments under 5 years	-----	16
Between 5 and 10 years	-----	3
"    10 and 20 "	-----	6
"    20 and 30 "	-----	4
"    30 and 40 "	-----	2
"    40 and 50 "	-----	2
"    60 and 70 "	-----	1
"    70 and 80 "	-----	1
Total	-----	35

All of which is respectfully submitted,

JAS. H. HEDGES, *City Sexton.*

Which was received.

Mr. Newman moved to adjourn.

Which motion was lost.

#### ORDINANCES ON SECOND READING.

On motion, the following ordinances were read the second time and ordered to be engrossed.

Special appropriation ordinance No. 53, 1869.

Special appropriation ordinance No. 54, 1869.

Mr. Whitsit moved that the rules be suspended, for the purpose of calling the roll of members for the presentation of new business, &c.

The question being on the suspension of the rules.

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

Those who voted in the negative were Councilmen Gimber, Harrison and Kennington—3.

So the rules were suspended.

CALL OF THE ROLL.

Mr. Brown offered the following motion :

That the Committee on Printing and Stationery be directed to advertise for proposals for furnishing the City Offices and City Council with stationery, for the ensuing year. P

Which was adopted.

Mr. Cottrell offered the following motion :

That the Marshal be instructed immediately to notify the Indiana Central Railroad Company to cease removing the boulders from South Delaware street, between Maryland street and Piques run, and to cease from doing any act in contemplation of, or preparatory to, laying an additional railroad track on such street.

Which was adopted, and the Marshal instructed to stop the work.

Mr. Cottrell offered the following motion :

That the Committee on Railroads have — copies of all ordinances regulating the running of railroad trains within the city limits, printed in pamphlet form, for distribution among railway officers and employes. R

Which was adopted.

Mr. Kahn offered the following motion :

That the City Marshal be instructed to have Vermont street, from East to Liberty streets, opened forthwith, and show cause why the same has not been done ere this. V

Which was adopted.

Mr. Kahn offered the following motion :

That the Indianapolis Turnverein be relieved from paying taxes on their hall, the same being used exclusively for educational purposes.

Which, on motion by Mr. Thoms, was laid on the table.

Mr. Locke offered the following motion :

That the City Assessor place upon the tax duplicate for 1869, the property of the Citizens' Street Railway Company.

Which was adopted.

Mr. Locke offered the following motion :

That Mr. Francis have permission to cross Wabash alley with a railroad switch, to run from the track of the Indianapolis, Cincinnati and Lafayette Railroad; after crossing said alley, to be run on the lot owned by said Francis, he also making the approaches to said switch or track in such a manner, as shall be acceptable to the City Civil Engineer.

Which was referred to the Committee on Railroads, with instructions to confer with the parties and report to Council.

Mr. Locke offered the following motion :

That the Street Commissioner be, and is hereby instructed, to construct a suitable wooden foot bridge across the Canal, on the south side of Vermont street.

Which, on motion, was referred to the Committee on Bridges.

Mr. Shepherd presented the following petition :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN :—I hereby petition your honorable body for permission to erect a pump in front of my place of business, on the corner of Washington and Delaware streets. There being a good well belonging to the city, I would further ask permission to remove some of the brick from the sidewalk, in order to have the well thoroughly cleaned before being used. I will agree to conform to all city ordinances regarding the erection of pumps within the city limits, and replace the brick at my own expense.

Respectfully submitted,

LAWRENCE GEIS.

Which was granted.

Mr. Shepherd offered the following motion :

That the Street Commissioner be ordered to build two new culverts—one at the crossing of California and Maryland streets, and one at the crossing of Maryland and Ellis streets, running east and west.

Which was adopted.

Mr. Shepherd offered the following motion :

That the City Gas Inspector be ordered to repair all paved walks, which have been torn up for the purpose of removing lamp posts within the city.

Which was referred to the City Gas Inspector, with instructions to notify Gas Company, and have the matter attended to.

Mr. Shepherd offered the following motion :

That the City Civil Engineer be directed to survey the different additions lying in what is known as West Indianapolis, and describe them by metes and bounds, and report the same to this Council at its next meeting.

Which was adopted.

Mr. Pyle presented the following communication :

INDIANAPOLIS, Dec. 20, 1869.

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

GENTLEMEN:—I am informed that the Street Commissioner gave orders to one of his teamsters, last week, to unload a large amount of filth and dirt in the alley running south, between Pennsylvania and Delaware streets—say part of the square south of Ohio street—opposite the property owned by Mr. Sheets and the petitioner.

I pray your honorable body to instruct the Street Commissioner to have the same dirt and filth removed, and clean said alley down to the gravel.

Respectfully submitted,

ANDREW WALLACE.

Which was referred to the Committee on Streets and Alleys.

Mr. Thoms introduced special appropriation ordinance No. 55, 1869—entitled :

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

Which was read the first time.

Mr. Thoms presented the following petition :

INDIANAPOLIS, Dec. 20, 1869

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Market street, between Noble street and Eastern Corporation Line, respectfully petition your honorable body to pass an ordinance providing for the erection of lamp posts, lamps and fixtures complete to burn gas, between the points named.

Respectfully submitted,

TIMOTHY SPLAIN,  
JOHN B. STUMPH,  
CH. G. DITTRICH,  
PETER SCHMIELT,  
and 10 others.

Which was received.

Mr. Thoms also introduced special ordinance No. 129, 1869—entitled :

AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on Market street, between Noble street and the Corporation Line East.

Which was read the first time.

Mr. Thoms offered the following motions :

That the Street Commissioner be directed to place two or three loads of cinders on Ohio street, between Liberty and Noble streets.

That the Street Commissioner be directed to repair the crossings, at the intersection of East and Market streets.

That the Finance Committee, with the City Clerk, be directed to examine the docket of his Honor the Mayor, and report the amount of fines and costs collected each month since May last, and report to the Council as soon as possible.

Which were adopted.

Mr. Wiles offered the following motions :

That the City Marshal be instructed to remove the obstructions that were placed across Walnut street, at the west crossing of Pennsylvania and at the east crossing of Meridian streets, on last Friday night.

That J. E. Robertson, at his own expense, be allowed the privilege of curbing with stone the sidewalk in front of his property on North Alabama street, said work to be done according to the directions of the City Civil Engineer.

That T. A. Morris be permitted to lay a stone walk across Meridian street, at the north crossing of Maryland street; the same being done at his own expense, and under the direction and to the satisfaction of the City Civil Engineer.

Which were adopted.

Mr. Wiles introduced special ordinance No. 130, 1869—entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Massachusetts avenue between Noble and Ash streets.

Which was read the first time.

Mr. Wiles offered the following resolution

*Resolved,* That it is expedient for this Council to take action looking to the immediate erection of a building or buildings for City Offices, City Hall or Court Room, Council Chamber and Market House, said building or buildings to be erected on the grounds lying north of Market street, between Delaware and Alabama streets, and now occupied and owned by the city for market purposes.

Which was referred to the Committee on Public Buildings.

Mr. Whitsit introduced special ordinance Na. 131, 1869—entitled:

AN ORDINANCE to provide for grading and graveling the first alley south of Georgia street, running from Cady street to the Corporation line east.

Which was read the first time.

Dr. Woodburn offered the following motion :

That the City Attorney be directed to appear and defend the injunction suit against the city, on the Sewerage question.

Which was adopted.

Dr. Woodburn presented the following bill :

INDIANAPOLIS, Dec. 20, 1869.

The City of Indianapolis to Porter, Harrison & Fishback,

Dr.

To fee for services in the matter of the attempt to sell University Square, before a committee of the Legislature, at the request of the Mayor, \$200 00

Which was referred to the Committee on Finance.

Dr. Woodburn offered the following resolution :

*Resolved*, That the Street Commissioner be instructed to notify all property holders on Illinois street, between Ohio street and the Corporation Line north, to remove all locust trees between said points, before the 10th day of January, 1870, and on their failure to remove the same within the time specified, he (the Street Commissioner) is hereby instructed to remove said trees, between said points.

The question being on the adoption of the resolution.

Mr. Newman moved to adjourn.

Which motion to adjourn was adopted.

*Daniel Macauley*  
DANIEL MACAULEY, *Mayor.*

ATTEST:

*D. M. Russell*  
~~D. M. RUSSELL~~, *City Clerk.*