

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, FEBRUARY 14, 1870, 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 February 7, 1870,  
were read and approved.

Dr. Woodburn moved to reconsider the vote by which the motion  
offered by Mr. Brown at last meeting was adopted, awarding the con-  
tract for building a Station House to Maloney, under the plans of  
Daggett & Roth.

The question being on reconsidering.

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

Those who voted in the negative were Councilmen Gimber, Kennington, Shepherd and Whitsit—4.

So the motion was reconsidered.

Mr. Brown offered the following motion :

That the Committee on Public Buildings be instructed to call on different architects, and obtain plans and specifications for the building of a Station House, not exceeding in cost \$5,000.

Mr. Kahn offered the following as a substitute :

That the plans for a Station House, as presented by Daggett & Roth and Enos & Huebner, be returned to them, and these gentlemen requested to bring to this Council new plans, the building not to cost exceeding \$9,000.

The question being on the adoption of Mr. Kahn's motion.

Those who voted in the affirmative were Councilmen Gimber, Harrison, Heckman, Kahn, Marsee, Newman, Pyle and Wiles—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Kennington, Locke, Shepherd, Thalman, Thoms, Weaver, Whitsit and Woodburn—10.

So the motion was lost.

Mr. Brown's motion was lost by the following vote :

Affirmative—Councilmen Brown, Cottrell, Shepherd, Thalman, Thoms and Whitsit—6.

Negative—Councilmen Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Weaver, Wiles and Woodburn—12.

Mr. Locke offered the following motion :

That the Building Committee be and they are hereby authorized to invite plans and specifications for a City Prison, the cost of which shall not exceed \$8,000; that the plan so adopted shall be paid for in any sum not to exceed \$200, and that only the two architects who have already submitted plans, shall be allowed to submit plans.

Dr. Woodburn offered the following amendment to Mr. Locke's motion :

That the plans for Station House be referred back, for improvement, to the Committee and architects, and that the Clerk advertise for bids, not to cost more than \$8,000.

The question being on the adoption of Dr. Woodburn's amendment :

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

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

So the amendment was lost.

The question being on the adoption of Mr. Locke's amendment.

Those who voted in the affirmative were Councilmen Harrison, Heckman, Kahn, Locke, Marsee, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Kennington, Newman, Shepherd and Whitsit—7.

So the amendment was adopted.

Mr. Brown's motion, as amended by Mr. Locke, was then adopted by the following vote :

Affirmative—Councilmen Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Kennington, Shepherd and Whitsit—6.

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

INDIANAPOLIS, Feb. 14, 1870.

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

GENTLEMEN:—The select committee, instructed at the last meeting of the Council to inquire what legislation, if any, is necessary to secure more regular and efficient service by the cars of the "Street Railway Company," have endeavored to give the subject that careful and impartial consideration which its importance to the public, as well as the Company, seems to demand.

The committee, after a thorough investigation of the whole subject, are of the opinion that there is not likely to be any material improvement until the system of endeavoring to run cars in different directions upon a single track road is abandoned. The plan of a single track, with switches at intervals for the passage of cars, may look plausible in theory, but cannot be satisfactory in practice. If each car would start at exactly the right time, keep exactly the right speed, and meet with no detention, the system might do; but how seldom is this the case? An accident to any one car, a failure of any one driver, necessarily throws all the cars on that line out of order, just as a watch, or other complicated piece of machinery, would be thrown out of order by a failure of any of its parts. Cars are apt to get off the track in taking the switches, they meet between switches, or lie upon them for the passage of approaching cars. These, and nine-tenths of all other causes of complaint, are attributable to the single track system. Other defects are of minor importance, and can be easily remedied. The committee do not believe that satisfactory service can be rendered under the single track system, no matter how carefully managed, nor are they advised that the attempt is being made to operate under that system, in any other city as large as Indianapolis. Elsewhere there are either two parallel tracks on the same street, or the same result is attained by running out on one street and back on another.

Street Railroads are not only a convenience but a necessity in cities, and the larger the city the greater the necessity. No city that is a city pretends to do without them. Indianapolis must not be behind the age, and it would be vastly to her credit, as well as interest, to have an efficient and well regulated system of Street Railroads. She has encouraged steam roads to the extent of even giving large donations in money, and can well afford to give reasonable encouragement and aid to secure an efficient system of street railroads.

Being entirely satisfied that the only way to secure such a system is by double tracking the lines, the committee have conferred with the principal officers of the Company as to the prospect of securing this desirable result.

These gentlemen frankly admit that they came into the Company without any experience in railroading, and were led to believe the single track system would answer. They have persisted in endeavoring to make that system a success, until they have sunk a considerable amount of their individual means, besides exhausting the limited means of the Company, and are at last brought to the conclusion that the single track system is a failure. In the meantime the Company has drifted into a position (explained to the committee, but which could not well be stated in the limits of this report,) which makes it exceedingly difficult for them to raise the means to make the



improvements which they admit are needed. They are, however, making earnest efforts to that end, and have explained to the committee what legislation they deem essential to obtain the means necessary to secure the double-tracking of the roads, and their successful management afterwards.

So much of this as the committee considered admissable, is embodied in the ordinance herewith reported for the consideration and action of the Common Council.

It will be seen that some of its provisions are intended to promote the safety of the public, as well as protect the Company from mischievous annoyance and injury, as well as loss, by imposition and fraud. These provisions seem to your committee to be entirely unobjectionable. The intention of the Company to run cars during the night, to connect with all the out-going and in-coming steam cars, under a contemplated arrangement with the principal hotels, will explain the necessity for the provision in relation to fares after eleven o'clock at night.

It is doubtful whether the fourth section does more than re-enact an existing ordinance, but it is believed it will be of great service in securing pecuniary aid in certain quarters, where the Company are hoping for assistance. The fifth section makes a concession, in the event the Company proceeds without delay to double-tracking their lines, otherwise not; and it should not be forgotten that under the proviso of the eleventh section of the original charter, no line of road was to be subject to taxation for city purposes, until two years after its completion.

Upon the whole, the committee feel well assured that any concessions that may be made by the ordinance, weigh nothing in comparison to the satisfaction it would be to the public, and benefit to the city, to have the lines double-tracked. Its prompt passage, the committee are assured, would secure this desirable result at an early day. Its failure will leave the Company to struggle on under the present unsatisfactory single track system.

The committee have examined into the receipts and expenditures of the Company, and the evidence is conclusive that the receipts do not cover the expenses. It is by no means certain, with our present population and long lines of Street Railroad, extending into sparsely settled neighborhoods, that the receipts for many years to come would equal the expenses, even if the lines were double-tracked. Besides, it should not be forgotten that the Company pay a tax to the General Government of  $2\frac{1}{2}$  per cent. upon their gross receipts, without reference to whether or not the receipts cover the expenses, and do not add the additional cent to each fare which the law authorizes. The result is, that instead of charging 6 or 7 cents for each fare, as is done in other cities, the Company here charge but five cents, and so, in fact, realize but 4 cents and a fraction. The amount of tax, therefore, which the Company pays to the General Government for the people of Indianapolis, exceeds threefold what the tax against the Company for city purposes would amount to.

In conclusion, the committee report, that in their opinion the legislation most likely "to secure greater regularity and efficiency in the performance

of service by the cars of the Street Railway Company," is the prompt passage of the following ordinance.

Respectfully submitted,

J. H. WOODBURN,  
TEMPLE C. HARRISON, } Committee.  
AUSTIN H. BROWN,

Which was received.

Also General ordinance No. 9, 1870, entitled :

AN ORDINANCE to amend an ordinance entitled, "An ordinance authorizing the construction, extension and operation of certain passenger railways in and upon the streets of the city of Indianapolis," ordained and established the 18th day of January, 1864.

Which was read the first time.

Mr. Brown, from select committee, made the following report :

INDIANAPOLIS, Feb. 14, 1870.

*To the Chairman and Members of the Judiciary Committee :*

GENTLEMEN:—The undersigned, a select committee, to whom was referred the communication of the Franklin Life Insurance Company, of December 13, 1869, beg leave to report that they have conferred with the officers of that Company, and obtained from them a proposition to sell the whole of their lot and building, on the corner of Illinois street and Kentucky avenue, including 66 feet and 6 inches front, by 63 feet on Illinois street, of vacant ground, taking in payment the bonds of the city, bearing ten (10) per cent. interest, and payable five years from date of purchase, for the sum of twenty-five thousand dollars (\$25,000).

Your committee would further report, that the Company would not agree to take the lot on Maryland street as part payment for their property, at such price as would warrant the city in accepting the same. Your committee therefore report the following resolution, and recommend that it be adopted :

*Resolved,* That the select committee appointed on the 13th of December, 1869, to negotiate for the purchase of the building and lot of the Franklin Life Insurance Company, on the corner of Illinois street and Kentucky avenue, be instructed to complete such purchase, and that the Mayor and City Clerk be directed to issue bonds payable in five (5) years, and bearing ten (10) per cent. interest, for the sum of twenty-five thousand dollars (\$25,000), whenever such Company, through its proper officers, shall make the city of Indianapolis a good warranty deed for such property, free from incumbrance.

Respectfully submitted,

WILLIAM W. WEAVER, }  
HENRY GIMBER, } Committee.  
AUSTIN H. BROWN, }  
ERIE LOCKE, }

Which was received.

Mr. Weaver, from Committee on Public Buildings, made the following report :

INDIANAPOLIS, Feb. 13, 1870.

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

GENTLEMEN:—The Committee on Public Buildings, to whom was referred the proposition of erecting a building for city offices on East Market Square, would report, that in our opinion, founded on the opinion of some well informed citizens, that the City Council have no authority to place any such building on said ground, as said ground was given to said city of Indianapolis for market purposes and no other, and when used for any purpose other than that named in the grant, the same is forfeited and reverts back from whence it came.

Respectfully submitted,

WILLIAM W. WEAVER, } Committee.  
HENRY GIMBER, }

Which was received.

Mr. Wiles, from select committee, presented the following petition and resolution :

INDIANAPOLIS, Feb. 14, 1870.

*To the Chairman and Members of the Judiciary Committee :*

GENTLEMEN:—We the undersigned property owners, citizens and tax payers of the city of Indianapolis, would most respectfully represent that, in our opinion, the city should take the necessary steps to provide and own suitable buildings, to be occupied by the various city offices, courts, etc. That the city should no longer pay rents, and allow the property owned by her to go unimproved. That the interests of our rapidly growing city demand more commodious and accessible rooms than can be had by renting. That it is further desired by your petitioners, that said building be located on East Market Square.

Respectfully submitted,

JOHN S. SPANN & CO.,  
J. R. HAUGH,  
G. F. MEYER,  
BEN. G. STOUT,  
And 17 others.

*Resolved,* That it is both expedient and necessary to erect, without delay, a building for the use of the Common Council, city officers, and as a public hall, and that said building be located on the lot known as the East Market Square, and to cost about one hundred thousand dollars.

Mr. Kahn moved to indefinitely postpone the report of the select committee. proposing to purchase the property of the Franklin Life Insurance Company.

The question being on postponement.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Cottrell, Gimber. Heckman, Kennington, Marsee, Pyle, Thoms and Wiles—10.

Those who voted in the negative were Councilmen Brown, Locke, Newman, Shepherd, Thalman, Weaver, Whitsit and Woodburn—8.

So the motion to postpone was adopted.

Mr. Brown moved to postpone indefinitely the resolution offered by Mr. Wiles.

The question being on postponement.

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

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

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

So the motion to postpone was lost.

Mr. Marsee offered the following as a substitute for Mr. Wiles' motion :

That the Common Council hereby agrees to lease, from Messrs; Cottrell & Knight, the three upper stories of their new buildings, for city purposes, at the annual rental of \$2,000, and that the Mayor and City Attorney be authorized to prepare such lease for execution, and when executed, report the same to the Council.

Mr. Newman moved to indefinitely postpone the whole matter.

The question being on postponement.

Those who voted in the affirmative were Councilmen Harrison, Newman, Pyle, Thalman, Wiles and Woodburn—6.



Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Kennington, Marsee, Shepherd, Thoms, Weaver and Whitsit—11.

So the motion to postpone was lost.

The question being on the adoption of Mr. Marsee's motion.

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

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

So the motion was adopted.

Mr. Kahn moved to suspend the rules, for the purpose of taking up and passing the appropriation ordinances.

The question being on a suspension of the rules.

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Harrison, Kahn, Marsee, Newman, Pyle, Thalman, Weaver, Whitsit, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Heckman, Kennington, Shepherd and Thoms—5.

So the rules were suspended, and Special Appropriation ordinances Nos. 5, 6 and 7, 1870, appropriating money for the payment of sundry claims and for the City Hospital.

*5-6  
6-7  
City Hospital*

Were read the third times and placed upon their passage.

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

No Councilman voting in the negative.

So the ordinances passed.

Mr. Brown moved to reconsider the vote by which the motion of Mr. Marsee was adopted, in regard to renting Cottrell & Knight's building for city offices.

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

The question being on laying on the table.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Shepherd Thalman, Whitsit and Wiles—13.

Those who voted in the negative were Councilmen Pyle, Thoms, Weaver and Woodurn—4.

So the motion to reconsider was laid on the table.

On motion the Council adjourned to meet Friday, February 19, 1870, at 7 o'clock P. M.

*Daniel Macauley*  
DANIEL MACAULEY, Mayor.

ATTEST:

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