

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, MARCH 28, 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 March 21, 1870, were  
read and approved.

Sealed proposals were opened and read by the Clerk, and referred  
to the Committee on Contracts.

## REPORTS FROM COMMITTEES.

Dr. Woodburn from Committee on Accounts and Claims, introduced Special Appropriation ordinance No. 15, 1870, entitled:

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

Which was read the first time, and on motion referred to the Committee on Accounts and Claims.

Dr. Woodburn introduced Special Appropriation ordinance No. 16, 1870, entitled:

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

Which was read the first time.

Mr. Cottrell moved that the rules be suspended, and the ordinance be read a second and third times, and placed upon its passage.

The question being on the suspension of the rules.

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

No Councilman voting in the negative.

So the motion to suspend the rules was adopted.

The ordinance was then read a second and third time, and placed upon its passage.

The question being, shall the ordinance pass?

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

No Councilman voting in the negative.

So the ordinance passed.

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

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The Finance Committee and City Assessor, to whom was referred the petition of Ray, Mayhew & Co., praying to have certain taxes refunded on their stock in trade in a shoe store for 1868, ask leave to report :

They have had the subject under consideration, and are of opinion that in equity they should be refunded. The taxes are required to be assessed on the average amount of the previous year's business, and perhaps \$40,000 was a fair average of the previous year's business. But as the firm were closing up, the stock was very much reduced, and would not average to exceed \$25,000 for the year in which they were assessed and taxed on \$40,000; they, therefore, recommend that the sum of \$187 50 be refunded said firm, and the same be placed in an ordinance appropriating money out of the City Treasury.

Respectfully submitted,

JOHN S. NEWMAN, }  
 J. H. WOODBURN, } Committee.  
 THO'S COTTRELL, }

WILLIAM HADLEY, City Assessor.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—Your Committee to whom was referred the resolution in regard to refunding to Patrick Jennings his poll tax, he being over the age liable to tax on his poll, which, as near as they can ascertain, amounts to seventy-five cents, which sum they recommend the Council cause to refund, and that the same be placed in the next Appropriation ordinance.

Respectfully submitted.

JOHN S. NEWMAN, }  
 J. H. WOODBURN, } Committee.  
 THOMAS COTTRELL, }

Which was concurred in.

Also, the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The Committee on Finance to whom was referred the communication of W. S. Hubbard, in behalf of certain citizens in regard to the tax on lot No. 12, in McCarty's sub-division of out lots 113 and 114, on which a Presbyterian Church has been erected, beg leave to report that religious property, such as churches, etc., is exempt from taxes, and as the lot No. 12 was occupied by a church before the tax accrued, your committee therefore recommed that the tax be remitted or otherwise stricken from the duplicate.

Respectfully submitted,

JOHN S. NEWMAN,  
J. H. WOODBTRN,  
THOMAS COTTRELL, } Committee.

Which was concurred in.

Mr. Newman from the Judiciary Committee presented the following communication:

INDIANAPOLIS, March 28, 1870

Hon. John S. Newman, Chairman Judiciary Committee:

SIR:—I have examined the questions arising upon the motion relative to the appropriation of lots in the City Cemetry, and am of the opinion that the Council cannot lawfully make the appropriation referred to in the motion.

Respectfully,

B. K. ELLIOTT, City Attorney.

We concur in the foregoing report of the City Attorney.

Respectfully submitted,

JOHN S. NEWMAN,  
J. H. WOODBURN,  
THOMAS COTTRELL, } Committee.

Which was concurred in.

Mr. Thahnan from the Committee on Streets and Alleys made the following report:

INDIANAPOLIS, March 28, 1870

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

GENTLEMEN:—The Committee on Streets and Alleys to whom was referred sundry pæpers, present the following report:

First.—A petition was referred to your committee signed by the heirs of Nicholas McCarty, James H. McKernan and Simon Yandes, for the improvement of West street between the south line of Root street and the corporation line south, having examined said street we believe said improvement should be made, an ordinance having been introduced for said purpose.

*Second.*—A motion was referred also, instructing the City Attorney to report an ordinance to authorize the Street Commissioner to advertise for proposals to sell the scrapings from the streets, we recommend that said officer report said ordinance, and that the same passed by the Council.

*Third.*—A petition was also referred from the Sisters of Charity, asking permission to grade Vermont street between East and Liberty streets, and also to use all surplus dirt, or earth taken therefrom, for the purpose of defraying their part of the expenses, we recommend that they be given permission to grade and use the dirt, provided they get the signature of Mrs. Holt to said petition.

*Fourth.*—A communication was also presented from Thomas Wren in regard to the improvement of Tennessee street some years ago. If he is not satisfied with the amount of pay already received for said work, let him bring suit and collect it by law, as he seems determined not to be satisfied with any settlement the city may have made with him.

*Fifth.*—Two petitions and one remonstrance were also referred to your committee, in regard to the opening of a street to run from Illinois to Meridian street. Fifth street should be opened, between said points in a due line, running east through the grounds of William Henderson, and in no other way, streets should be kept straight, at all times if they can be so made, and that the prayer of the remonstrant, J. D. Condit, be granted; and that the street be opened as petitioned for by C. Darnell and L. Barbour, and that the said petition be referred to the City Commissioners, and that the City Clerk give the requisite notice.

Respectfully submitted,

ISAAC THALMAN, }  
JOHN L. MARSEE, } *Committee.*  
C. HECKMAN, }

Which was concurred in.

Mr. Wiles from the Committee on Railroads submitted the following report :

INDIANAPOLIS, March 23, 1870.

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

GENTLEMEN:—Your Committee on Railroads, in accordance with instructions, beg leave to report the following ordinance.

Respectfully submitted,

W. D. WILES, Committee.

Which was received.

Also, General ordinance No. 13, 1870, entitled :

AN ORDINANCE granting Greenleaf & Co., the right to construct, and maintain, a railroad switch from their foundry, crossing Tennessee street diagonally, and connecting with the Indianapolis Rolling Mill railroad track, at or near the intersection of said track and Maryland street.

Which was read the first time.

Mr. Wiles from the Committee on Gas Light made the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN.—The Committee on Gas Light, to whom was referred a motion of Mr. Cottrell, (offered the 7th instant,) instructing the Gas Inspector "to light the street lamps on the north side of Washington street before those on the south side of said street, every alternate month; and on alternate months to light the south part of the city, before that on the north side; commencing the new system on the south side on the first day of April next; would recommend :

That Washington street be made the basis line for lighting the lamps; that the first lamps to be lighted be those located at the corners of Meridian and Washington, or those at the corners of Pennsylvania and Washington; and from these determined initial lamps, the lighting proceed east, west, north and south.

We deem it highly important that the vicinity of the railroad tracks be lighted as promptly under the time table as they can be reached. By the system we suggest, this would be soon accomplished.

The proposed plan of alternating north one month, and south on the following month, we are of opinion would not be literally carried out, from a natural forgetfulness or neglect on the part of the contracting lamplighters; neither do we believe it would give as much satisfaction to the people as the system we recommend, by which the most important business streets would be first lighted.

The contracting lamplighters live in almost the extreme northern part of the city; and it has been their custom since they have had the contract (now nearly two years,) to begin the lighting near their residence. This practice has been far from satisfactory. Washington street should be made initial line for lighting; and whatever change you may make from our recommendations, we would suggest that the fixing upon that street would be more pleasing to the public, and correspondingly recommend our city to strangers.

We would also recommend in this connection, that the Gas Inspector be instructed to have two hundred copies of his time table (schedule two thousand hours per annum,) for the balance of the calendar year, commencing with May 1st, printed, for the use of the Council, the police, city officers, lamplighters, etc.

Respectfully submitted,

W. D. WILES,  
ROBERT KENNINGTON, } Committee.  
LEON KAHN.

Which was concurred in.

Mr. Gimber from the select committee on City Cemetery, made the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The select committee on that subject visited the City Cemetery, and found the same much neglected. In several places brush fires have been built, and from them the grass has taken fire and burned, spreading over graves and destroying shrubbery. Hogs have gotten into the enclosure and done a little damage. In fact the whole grounds seem to be in want of a better supervision than seems to prevail.

Respectfully submitted,

HENRY GIMBER, }  
AUSTIN H. BROWN, } Committee.

Which was concurred in.

Mr. Brown from select committee made the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The select committee to whom was referred General ordinances Nos. 11 and 12, report that the existing ordinances in relation to hotel runners need amendment, and they recommend that the following ordinance be substituted for No. 12.

The ordinances regulating hacks and the standing of the same, your committee find are working so well that no change is needed. There is no complaint on the part of the community, and your committee recommend that ordinance No. 11, be laid on the table.

Respectfully submitted,

AUSTIN H. BROWN, }  
HENRY GIMBER, } Committee.  
JAS. B. McSHEPHERD, }

Also, General ordinance No. 14, 1870, entitled :

AN ORDINANCE in relation to runners or solicitors of guests for hotels or boarding houses.

Which was read the first time.

Mr. Kennington from the same committee made the following minority report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The undersigned, a minority of the committee on hack and runner ordinance, would respectfully dissent from the report of the majority of the committee, and recommend the passage of the ordinance now before the Council.

Respectfully submitted,

ROBERT KENNINGTON, Committee.

Dr. Woodburn moved that the minority report be concurred in.

Mr. Kennington called for the ayes and noes.

The question being on the concurrence in the minority report.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Kennington, Locke, Marsee, Weaver and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Newman, Pyle, Shepherd, Thalman, Thoms, Whitsit and Wiles—11.

So the minority report was not concurred in.

On motion the majority report offered by Mr. Brown was concurred in.

## REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—Owing to the large additional territory added to the city, I find that I will need more help.

Therefore, I respectfully ask your honorable body to allow me to employ an additional man, at a cost not to exceed three dollars per day; who will be able to assist me in the office work; which will enable me to spend more of my time on outside work.

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in, and request granted.

The City Clerk made the following report :



INDIANAPOLIS, March 28, 1870.

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

The City Clerk respectfully reports to Council:

*First.*—Contract and bond of Samuel Le Fevre for grading and bouldering Alabama street from the south side of Cumberland street, to the Union Railway Company's track.

*Second.*—First and final estimate allowed James Manoney for grading and graveling Cumberland street and sidewalks, from Missouri street to West street.

*Third.*—Contract and bond of Helm and Kirtenmeyer, for building Station House for the city of Indianapolis.

Respectfully submitted,

DANIEL M. RANSDELL, *City Clerk.*

Which was concurred in, and the bonds approved and contracts awarded.

Also, the following resolution:

*Resolved,* That the foregoing first and final estimate allowed James Mahoney, for grading and graveling Cumberland street and sidewalks from Missouri street to West 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.

Mr. Wiles offered the following remonstrance:

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—The undersigned, property-holders in block 70, protest against the payment of James Mahoney, contractor for grading and graveling west Cumberland street in said block, as it has not been done according to contract, in the manner in which said work was to be done, or in the quality of the material used; and we ask that he shall not be allowed to collect pay until it is done according to contract.

Respectfully submitted,

J. H. MCKERNAN,  
S. YANDES,  
JOHN MACINTIRE,  
J. M. VANBLARICUM,  
And 5 others.

Which was received.

The question being on the adoption the resolution awarding the estimate.

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Locke, Marsee, Shepherd, Thalman, Weaver, Whitsit and Woodburn—13.

Those who voted in the negative were Councilmen Kennington, Newman, Pyle, Thoms and Wiles—5.

So the resolution was adopted.

The City Attorney made the following report:

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—I have examined the proceedings of the Commissioners in the matter of the opening of Helen street, and respectfully submit the following opinion:

I think the notices issued in the matter require the proposed street to be opened so as to correspond with Helen street, and that the Commissioners had no authority, under the notices, to diverge from the boundaries given by straight lines, continued from the street which it is proposed to continue through out lot 143. It follows, therefore, that the proceedings of the Commissioners are invalid.

Respectfully submitted,

B. K. ELLIOTT, *City Attorney,*

Which was concurred in, and the City Clerk instructed to furnish each Commissioner with a copy.

The Chief Fire Engineer made the following report:

INDIANAPOLIS, March 28, 1870.

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

GENTLEMEN:—Your Chief Fire Engineer would herewith respectfully report that Mr. Silsby's Steam Fire Engine has been in the city for two weeks and is ready to go into service, for the tree months trial. I ask if it is the desire of the Council that this engine should go into the service of the Fire Department for said trial. I would further state, that the agents of the Allerton Fire Engine, have informed me that their engine is nearly ready for shipment to this city; and also that our old Latta engine will be returned here sometime this week.

I would further state that we have one section of fifty feet of hose in our possession, belonging to the New York Belting and Packing Company, said hose was sent here for a sample, and is a good section, it having our coupling complete. I would recommend that it be purchased for the use of the Department, at a price paid for the same kind of hose, \$1 30 per foot.

Respectfully submitted,

CHAS. RICHMANN, *Chief Fire Engineer.*

March 23, 1870.]


COUNCIL PROCEEDINGS.

Mr. Marsae moved that the Chief Fire Engineer be instructed to put the Silsby Engine into service.

Mr. Whitsit offered the following motion as a substitute for Mr. Marsee's motion.

That the motion to place the Fire Engines on three months trial, be rescinded, and that the Chief Fire Engineer be instructed to notify the builders of the Silsby, Allerton and Latta Engines to have their machines here on the 5th of April, to go into a trial test as to durability, and that they be run a sufficient length of time to ascertain that point, and a committee of mechanics, to be selected by the Chief Fire Engineer and Committee on Fire Department.

During the pendency of which the Council adjourned.

  
DANIEL MACAULEY, Mayor.

ATTEST:

  
~~D. M. RANDELL~~, City Clerk.