

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
THURSDAY, APRIL 28, 1870, 7½ O'CLOCK, P. M. }

The Common Council met pursuant to adjournment.

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

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Ken-
nington, Locke, Marsee, Pyle, Shepherd, Thalman, Thoms, Whitsit,
Wiles and Woodburn—16.

Absent—Councilmen Kahn and Newman—2.

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, April 30, 1870.

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

GENTLEMEN :—The Committee on Streets and Alleys to whom was referred sundry papers would respectfully report :

First.—A petition was referred to your Committee signed by John Coen, David Beam and others, asking Council to improve Tennessee street from South street, at the expense of the city, and not the property holders. We have examined said street and believe it should be improved, not at the expense of the city, however, but at the expense of the property-holders living on the line of the street to be improved, as it would be a bad precedent to establish to improve streets at the expense of the city, as every person whose streets were in bad order, would be justified in asking the Council to do the same thing.

Second.—A motion was also referred to your Committee, directing the City Attorney to bring suit against C. F. Schmidt, for maintaining a nuisance, by running the water from his brewery down the gutters of Wyoming street. We have seen Mr. Schmidt, and he promises to make the sewer, and thereby remove the nuisance.

Third.—A remonstrance was also referred to your Committee signed by E. C. Atkins and Henry Day, remonstrating against the improvement of Pennsylvania street by grading and bouldering, from Michigan to North street. As said street is in a very bad condition, we would recommend that the ordinance be passed for its improvement as contemplated, under the ordinance now pending.

Fourth.—A remonstrance was also referred to your Committee by A. E. Phelps, William Kugleman and others, against grading and paving the north sidewalk, on Maryland street from Tennessee to Mississippi street. We have examined said sidewalk, and believe said improvement should be made.

Respectfully submitted,

ISAAC THALMAN, }
CHRIS. HECKMAN, } Committee.
JOHN L. MARSEE, }

Which was concurred in.

Mr. Harrison made the following report :

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN :—Your Committee on Revision of Ordinances, to whom was referred a motion in relation to the opening of graveled walks east and west and north and south, through the Governor's Circle Park, and in regard to the passage of an ordinance for the protection of said park, beg to report that an ordinance for the "Protection of the Public Parks," ordained June 17, 1869, now in force, provides for all that is contemplated in said motion on that subject, or that is deemed necessary by the committee.

In relation, however, to the opening of foot paths or walks, with proper railings on each side, your Committee are of the opinion that the same should be done, and we therefore recommend the adoption of the resolution herewith presented.

Respectfully submitted,

TEMPLE C. HARRISON, }
 ERIE LOCKE, } Committee.
 THOMAS COTTRELL, }

Also the following resolution :

Resolved, That Alfred Harrison, City Forester, and John G. Waters, Deputy City Clerk, be, and they are hereby, constituted a special committee and authorized to contract for the construction of graveled footpaths or walks, east and west, north and south, through "Governor's Circle Park," of such width as they may deem best, and also for the construction of proper gates of entrance to said park, and of suitable railing or fencing on each side of said walks, said committee first to obtain an estimate of the cost of said work and report the same to this Council.

Which was laid on the table.

Mr. Harrison made the following report :

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN:—Your Committee on the Revision of Ordinances to whom was referred the petition of William Minkner and others, praying for the repeal of that part of the Market ordinance which forbids the selling of products outside of the market or to dealers during market hours, beg to report herewith an ordinance to repeal the sections alluded to in said petition, and also certain other sections of the Market ordinance, which in our opinion are objectionable.

Respectfully submitted,

TEMPLE C. HARRISON, }
 ERIE LOCKE, } Committee.
 THOMAS COTTRELL, }

Which was received.

Also introduced General ordinance No. 16, 1870, entitled :

AN ORDINANCE to repeal sections 31, 32, 34, 35, 45 and 58, of an ordinance regulating the Markets within the City of Indianapolis,

Which was read the first time.

Mr. Wiles offered the following report :

INDIANAPOLIS, April 23, 1870.

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

GENTLEMEN:—Your Committee on Contracts to whom was referred the petition of John Corrigan, for permission to erect a shed and set a kettle on the lot known as the City Scavenger's lot, beg leave to report that after a careful investigation of the subject, it is our opinion that it is not for the best interest of the city to grant the prayer of the petitioner.

Respectfully submitted,

W. D. WILES,
ISAAC THALMAN, } Committee.

Which was concurred in.

Mr. Wiles made the following report :

INDIANAPOLIS, April 23, 1870.

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

GENTLEMEN:—Your Committee on Gas Light have had the location for the gas lamps proposed to be erected "on the first alley west of Blackford street north side of National road, at the end of Market street," examined by the Gas Inspector, and would now report that such a lamp is much needed, and that the positions indicated by the ordinance, is both proper and satisfactory.

Respectfully submitted,

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

Also the following :

INDIANAPOLIS, April 23, 1870.

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

y. GENTLEMEN:—Your Committee on Gas Light, would report that D. Root & Co., are the best bidders for the erection of public gas lamps, their bid being thirty dollars each for corner lamps, and twenty-eight dollars each for intermediate lamps.

We would, therefore, recommend that the contract be awarded to said firm.

Respectfully submitted,

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

Which were concurred in.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, April 28, 1870

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

GENTLEMEN:—In obedience to the directions of your motion of April 11, 1870, I submit the following opinion:

1. The earth and dirt taken from the streets laid out by the State and contained within the limits of the donation made by the general government to the State, belongs to the city as trustee of the public, to be used for public purposes.

2. Where streets have been laid out by private persons, the earth belongs to the adjacent property owners, the city having the right to use upon the line of the street from which it is taken, all earth required to grade and improve the street, but with no right to remove the earth from that street or to dispose of it to private individuals.

3. The dirt deposited upon streets by the ordinary use thereof, and scraped from them by the employees of the city, belongs to the city.

Respectfully submitted,

B. K. ELLIOTT, *City Attorney.*

Also the following:

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN:—I take the liberty of again calling your attention to the necessity of making the proper appropriation in the Pogue's Bun matter, in order to enable me to make the tender in the injunction cases.

Respectfully submitted,

B. K. ELLIOTT, *City Attorney.*

Also the following:

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN:—I have examined the question presented by the communication of A. D. Wood, and respectfully submit the following opinion:

If the real estate on which Mr. Wood's buildings were situated was sold for non-payment of taxes, it would not affect his right to the possession of his buildings, provided, of course, that they were placed thereon by him as tenant, under such circumstances as will entitle him to move them. If, however, in assessing the real estate the buildings were included as part thereof, and Mr. Wood also returned them as personal property, then there is a double assessment which Council should correct.

I respectfully suggest that the entire matter be referred to the City Assessor to ascertain and fully report the facts.

Respectfully submitted,

B. K. ELLIOTT, *City Attorney.*

Which were concurred in.

The Civil Engineer made the following report:

OFFICE OF CITY CIVIL ENGINEER, }
Indianapolis, April 28, 1870. }

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

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

W B. F. Coleman, for grading and graveling Willard street and sidewalks from Garden street to Pogue's Run:

Length on east side.....	277½ feet.
Length on west side.....	277½ feet.
Total length.....	555 feet.
At forty-nine cents per lineal foot front.....	\$271 95

Also Hanway and Lefevre for grading and graveling Wabash alley from Pennsylvania to Delaware street:

Length on north side.....	420 feet.
Length on south side.....	420 feet.
Total length.....	840 feet.
At sixty-seven and a-half cents per lineal foot front.....	\$567 00

Deduct from Andy Wallace's portion of this estimate \$7 68, for sidewalk previously improved.

Also Samuel Lefever for building Ray street sewer 2,889 and 83-100 lineal feet, \$5 25 per lineal foot.....	\$15,171 60
Twelve man-holes and covers at \$20 each.....	240 00
Eleven catch-basins, connections and covers at \$110.....	1,210 00
Total estimate.....	\$16,621 60
Former payment.....	15,790 00
Present payment.....	\$831 60

S. Also Thomas Hutchins for planting shade trees and boxing the same from Ohio street to Seventh, on Illinois street, one hundred and forty-six trees and boxes, at \$2 each.....

Nine trees at \$1 each.....	9 00
Total estimate.....	\$301 00

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

On motion the first and last paragraphs were concurred in. The second in regard to Wabash alley was referred back to the Engineer, along with the Committee on Streets and Alleys.

The third paragraph in regard to the Ray street sewer, was referred to the Committee on Streets and Alleys, Committee on Claims, City Clerk and Civil Engineer.

The City Treasurer made the following report :

OFFICE OF CITY TREASURER, }
Indianapolis, April 28, 1870. }

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

GENTLEMEN:—I have the honor to transmit herewith, my report, showing receipts and disbursements from May 12, 1869, to April 15, 1870. The large number of orders and receipts necessary to be registered and footed have rendered it impossible for me to present the same at an earlier date. An itemized and detailed report of the receipts and disbursements, will be presented immediately after the close of the fiscal year.

Respectfully submitted,

ROBERT S. FOSTER, *City Treasurer.*

Report of Robert S. Foster, City Treasurer, showing receipts and disbursements from May 12, 1869, to April 15, 1870 :

Balance in Treasury, May 12, 1869 -----	\$192,177 23
Delinquent taxes collected from May 12, 1869, to March 21, 1870 -----	41,727 22
Current taxes collected from May 12, 1869, to March 21, 1870 -----	183,885 29
Licenses, fines, fees, Market stalls, collected from May 12, 1869, to April 1, 1870 -----	6,571 70
Total receipts -----	\$424,361 44
Warrants or city orders, redeemed and returned to City Clerk -----	\$398,790 40
Balance on hand -----	\$25,371 04
	\$424,361 44

Which was received.

The profile of Michigan road from the National road to the east Corporation line, was presented by the Civil Engineer and adopted.

On motion by Mr. Whitsit, the name of William Graham, for Inspector of Elections in the Eighth Ward, was stricken out, and the name of Hiram Seibert inserted in lieu thereof.

On motion, the name of Fred. Klare, Inspector of the Fifth Ward, was stricken out, and the name of John Simpson inserted in lieu thereof.

Mr. Locke moved that a special committee of three Councilmen be appointed to wait on the School Trustees and ascertain whether or not the School Houses in the several wards can be secured in which to hold the city election, Tuesday, May 3d, 1870.

Which motion prevailed.

Messrs. Locke, Cottrell and Brown, were appointed as such committee.

By unanimous consent the rules were suspended, and the call of the roll had for the presentation of new business.

Mr. Brown introduced Special Appropriation ordinance No. 21, 1870, entitled :

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

Which was read the first time.

Mr. Brown introduced Special ordinance No. 87, 1870, entitled :

AN ORDINANCE to provide for curbing and paving the north sidewalk of Maryland street between Illinois street and Kentucky avenue.

Which was read the first time.

Also General ordinance No. 17, 1870. entitled :

AN ORDINANCE repealing an ordinance entitled "an ordinance relative to hogs or swine running at large in the City of Indianapolis," passed April 5, 1870.

Which was read the first time.

Mr. Cottrell offered the following motion :

That the Street Commissioner be directed to have the culverts and foot bridges removed from the gutters on the east side of Delaware street between Merrill and Bicking streets, so far as they may interfere with the passage of water between the limits named.

Which was adopted.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN.—The undersigned, owners of the real estate fronting east on New Jersey street, between Cumberland street and the tracks of the Union Railway Company, respectfully petition your honorable body to pass an ordinance providing for the extension of the railrond switch now used by the Peru Railroad Company for the benefit of Lawyer & Hall, Spiegel, Thoms & Co., and others, across said New Jersey street, to the grounds of your petitioner. The extension is needed as well for the accommodation of the public as for the convenience of the company.

Respectfully submitted,
CLEVE., COL., CIN. and INDPL'S RR. CO.,
per C. C. GALE, Div. Supt.

Which was referred to the Committee on Streets and Alleys.

Also General ordinance No. 18, 1870, entitled:

AN ORDINANCE to prohibit City Officers, Members of the Police and Fire Department, from serving on Election Boards.

Which was read the first time.

Mr. Harrison presented the following communication:

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN:—This petition shewith, understanding that the city is in need of a pump in the "public market place," your petitioners offer to put in one of their "patent double action submerged fore pumps." We claim for it over all others, ease in working and durability, because it is all iron. It cannot get out of order for a great length of time, as there is no packing leather used on the plunge or suction. The water cannot taste of iron as no water remains in the pipe, which is galvanized iron, consequently it cannot freeze during winter, making it most useful and desirable pump known. We offer to put in this pump \$14. The piping and rod necessary for the well at fifty-five cents per foot, leaving it one month for trial and acceptance. Should the pump fail in doing what is claimed for it, we will take it out at our own expense.

Respectfully submitted,
WM. GEO. CASTELL,
Agent for "Cahil's patent submerged pump."

Which was referred to the Committee on Markets.

Mr. Heckmnn offered the following motion:

That George King and A. Seidensticker be permitted to grade and gravel the first alley south of Meek street, between Noble and the first alley east of

Noble street, the same to be done under the direction of the Civil Engineer, the same to be completed in ninety days, and the Civil Engineer is hereby directed to set the grade stakes.

Also the following :

That George W. Teger be permitted to pave with brick, and also to put in stone curbing, in front of his property on the south side of East street between Georgia and Louisiana streets, the same to be done under the direction of the Civil Engineer, and to be completed in ninety days, and the Civil Engineer is hereby directed to set the grade stakes.

Which were adopted.

Mr. Kennington offered the following motion :

That the action of the Council at its last meeting relative to draining Union street be rescinded, and the Street Commissioner is instructed to make an open drain in the gutter not exceeding twelve inches in depth, where the same is necessary, and to place cement drain pipe in such other portions of the gutter of Union street, as may be necessary to drain the street and the pond at the south end thereof, into Ray street sewer.

Which was adopted.

Mr. Locke offered the following motion :

That the City Scavenger be instructed to visit and remove daily from the arm of the Canal, at the west end of Market street, all dead animals he may find therein, without further notice.

Which was adopted.

Mr. Thalman introduced General ordinance No. 19, 1870, entitled :

AN ORDINANCE granting permission to construct and use a railroad track upon the north line of the National Road, at a point on the land of the Geisendorff Manufacturing Company, west of Blake street, to a point on the south bank of the Canal, about one hundred and twelve feet east of the east line of Blackford street, connecting with the track leading from the railroad of the Indianapolis, Cincinnati and Lafayette Railroad Company, to Sohl & Gibson's Mill, and with said railroad.

Which was read the first time.

Mr. Whitsit offered the following motion :

That T. C. Moore have permission to grade and gravel in front of lot 5, in Daugherty's sub-division of out lot 99 on Virginia avenue, and that the same must be finished in sixty days, and the Civil Engineer is hereby directed to set the grade stakes.

Also the following :

That the City Gas Inspector be instructed to remove no more lamp posts from any street where they have been located under existing ordinances.

Which were adopted.

Mr. Wiles introduced Special ordinance No. 88, 1870, entitled:

AN ORDINANCE to provide for grading and graveling Broadway street and sidewalks from the old Corporation line to Christian avenue.

Which was read the first time.

Mr. Wiles offered the following motion:

That three Councilmen and three citizens, residents on Delaware street between Washington and St. Clair streets, be appointed a committee to assist the City Civil Engineer in determining what kind of wooden block pavement shall be used for improving said Delaware street, and in preparing specifications for bids for said pavement:

Which was adopted, and the following committee appointed:

Councilmen Thalman, Cottrell and Newman, and Messrs. W. C. Smock, D. H. Wiles and George W. Parker.

Mr. Locke offered the following motion:

That a special committee be appointed to correspond with the owners of the Nicholson pavement patents or other patentees of wood or block pavements, and ascertain at what price the right for the city to lie down on the streets thereof said pavement.

Which was adopted, and the following committee appointed:

Councilmen Locke, Brown and Woodburn.

Dr. Woodburd presented the following remonstrance:

INDIANAPOLIS, April 28, 1870.

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

GENTLEMEN:—We, the undersigned, property-holders and residents in the vicinity of the corner of Mississippi and Pratt streets, learning that parties have leased ground and propose to erect a steam saw mill and dry kiln, in our neighborhood, we most earnestly but respectfully remonstrate against the erection of the same, as it will be a great nuisance to us and depreciate the value of our property, etc.

Respectfully submitted,

JAMES N. HUNTINGTON,
J. W. MURPHY,
J. C. DUNN,
AUG. F. COORS,

And 43 others.

Which was referred to the Committee on Judiciary.

His Honor, the Mayor, offered the following motion :

That the City Marshal be directed to place brackets or hooks on the walls of the Council Chamber for the use of Members of Council and City Officers.

Which was adopted.

ORDINANCES ON SECOND READING.

By consent, the following ordinances were read the second time and ordered to be engrossed :

- Special ordinance No. 36, 1870.
- Special ordinance No. 37, 1870.
- Special ordinance No. 39, 1870.
- Special ordinance No. 42, 1870.
- Special ordinance No. 75, 1870.
- Special ordinance No. 43, 1870.
- Special ordinance No. 74, 1870.
- Special ordinance No. 77, 1870.
- Special ordinance No. 78, 1870.
- Special ordinance No. 79, 1870.
- Special ordinance No. 80, 1870.
- Special ordinance No. 81, 1870.
- Special ordinance No. 82, 1870.
- Special ordinance No. 83, 1870.
- Special ordinance No. 84, 1870.
- Special ordinance No. 85, 1870.
- Special ordinance No. 86, 1870.
- Special Appropriation ordinance No. 20, 1870.
- General ordinance No. 17, 1870.

On motion, Special Appropriation ordinance No. 11, 1870, was stricken from the files.

ORDINANCES ON THIRD READING.

Special ordinance No. 70, 1870, entitled :

AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on the first alley west of Blackford street, north side of National road, at the end of Market street.

Was read the 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, Kennington, Locke, Marsee, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—none.

So the ordinance passed.

On motion the Council adjourned.

Daniel Macauley
DANIEL MACAULEY, Mayor.

ATTEST:

E. M. Russell
~~E. M. RANSEL~~, City Clerk.