

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
SATURDAY, MAY 7, 1870, 7½ O'CLOCK P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following Councilmen holding over :

Councilmen Cottrell, Kahn, Kennington, Pyle, Shepherd, Thal-
man, Whitsit and Woodburn.

The following persons having filed their certificates and oath of
office with the Clerk, within the time specified by the Charter, ap-
peared and took their seats as Councilmen, to represent the following
wards for two years :

From the First Ward—JOHN S. NEWMAN.
 From the Second Ward—WILLIAM D. WILES.
 From the Third Ward—WILLIAM W. WEAVER.
 From the Fourth Ward—ERIE LOCKE.
 From the Fifth Ward—EDWARD REAGAN.
 From the Sixth Ward—AUSTIN H. BROWN.
 From the Seventh Ward—JOHN L. MARSEE.
 From the Eighth Ward—CHRISTOPHER HECKMAN.
 From the Ninth Ward—FREDERICK THOMS.

Absent—Councilman Harrison:

The proceedings of the adjourned session, held April 28, and of the regular session, held April 30, 1870, were read and approved.

On motion by Mr. Cottrell, the Council proceeded to the election of the following officers :

Chief Fire Engineer.
 Market Master.
 Wood Measurer for East Market.
 Wood Measurer for West Market.
 Sealer of Weights and Measures.
 City Measurer.
 City Sexton.
 City Printer.
 Board of Police.
 Board of Health.
 President *pro tem.* of Council.

The Council then proceeded to ballot for the above named officers, which resulted in the choice of the following persons, to-wit :

For Chief Fire Engineer.—DANIEL GLAZIER.
For Market Master.—JAMES Y. MARDICK.

For Wood Measurer, East Market.—J. J. WENNER.

For Wood Measurer, West Market.—A. S. HOLT.

For Scaler of Weights and Measures.—CHARLES RICHMAN.

For City Measurer.—B. V. ENOS.

For City Sexton.—JAMES H. HEDGES.

For City Printer.—JAMES G. DOUGLASS.

For President pro tem. of Council.—JOHN S. NEWMAN.

Board of Health.—DRS. T. B. HARVEY, JOHN A. COMMIGOR and GUIDO BELL.

Before proceeding to ballot for Board of Police, Mr. Cottrell moved that the person receiving the largest vote be declared Chairman of said Board of Police.

Which was adopted.

JOHN L. MARSEE, J. H. WOODBURN and WILLIAM D. WILES, were elected.

John L. Marsee having received the most votes, was declared Chairman.

Mr. Brown offered the following motion :

That the Committee on Finance shall be composed of five members.

Which was adopted.

Mr. Wiles introduced General Ordinance No. 22, 1870, entitled :

AN ORDINANCE to repeal an ordinance entitled "An ordinance concerning the Police Force of the City of Indianapolis, abolishing the offices of Chief of Police and Lieutenants of Police, and repealing certain ordinances," ordained May 24, 1869.

Which was read the first time.

Mr. Wiles moved to suspend the rules for the purpose of reading the above entitled ordinance the second and third times, and placing the same on its passage, and also receiving reports from Committees.

Which was adopted by the following vote :

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

Negative—none.

The ordinance was then read the second time.

And on motion by Mr. Brown, the first section was amended by inserting the following :

Provided, That the compensation of said officers shall be fixed by the Common Council.

The ordinance was then ordered engrossed, and 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, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit Wiles and Woodburn—17.

Negative—none.

So the ordinance passed.

On motion, the following persons were recommended to the Board of Police for appointment :

For Chief of Police.—AUGUSTUS REICK.

For Lieutenant of Police.—JAMES N. STEVENS.

Mr. Marsee from the Fire Department made the following report :

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—Your Committee on Fire Department would respectfully report that in pursuance of the order of the Council, we have closed the contract for the purchase of the Rotary Steam Fire Engine. A copy of said contract is herewith submitted.

Respectfully submitted,

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

Also, the following:

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—In pursuance of instructions of the Common Council of the city of Indianapolis, Indiana. the undersigned, Committee of said Council on Fire Department, have this 30th day of April, 1870, contracted with Horace Silsby, General Agent of the Silsby Manufacturing Company, for the purchase of the first class Rotary Steam Fire Engine, now in the hands of the Fire Department of said city; said Silsby Manufacturing Company guaranteeing to keep said steam fire engine in repair for five years. The city of Indianapolis to pay to said Silsby Manufacturing Company the sum of six thousand dollars. One-third cash, and the balance in bonds of the city of Indianapolis payable in five years, with ten per cent. interest.

Witness our hands at Indianapolis, Indiana, this 30th day of April 1870.

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

SILSBY MANUFACTURING CO.,

Per HORACE SILSBY.

Which was accepted and approved.

Mr. Whitsit offered the following motion:

That William S. Hubbard be allowed to grade and pave the sidewalk in front of his property, on the east side of Illinois street between Second and Fourth streets; the same to be done at his own expense, and under the direction of the Civil Engineer.

Which was adopted.

Dr. Woodburn presented the following petition:

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—The undersigned would respectfully represent that he is the owner of about seven hundred feet, partly improved, but largely in pasture, along the east side of Illinois street between Second and Fourth streets, and that about five years since he graded and graveled said walk the entire length of said line, and has maintained the same a good walk since that time, equal, and in many respects superior, to many of the walks in the center and more populous and wealthy part of the city, and is willing to sustain the same. While this is true, the undersigned thinks it a hardship to be placed in a chain to help bear the expense of grading his neighbors' walk, who have persisted in refusing to grade their sidewalks. If the Council continue to insist on the paving of the east sidewalk of North Illinois street, a large portion of which is but little used, being only common or in pasture, the undersigned would only make the certainly very reasonable request that he be permitted to pave his own walk, under the supervision of the City Engineer. If you grant this prayer, the work and material will be of a better quality than can be had of a regular contractor, and a portion of the expenditure already put upon it in the grading, may be saved to the undersigned.

Respectfully submitted,

WILLIAM S. HUBBARD.

Which was received.

Mr. Newman from special committee made the following report:

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—Your committee respectfully report that they have had a conference with Mr. Dickson, who represents the owner of the premises formerly occupied by the Common Council and City Officers; that Mr. Dickson informed them that the only terms upon which the matter could be adjusted, and a surrender of the lease accepted, would be, that the city pay all unpaid rent, and also rent for six months from the time an agreement to surrender is consummated. To this proposition, your committee informed Mr. Dickson the city would not accede.

The committee proposed, by way of compromise and to avoid litigation, the city would pay the rent until the current quarter expires, which will be June 1, 1870. Mr. Dickson said he would inform Mr. Pettis of this proposition, but thought it very unlikely that it would be accepted.

Respectfully submitted,

JOHN S. NEWMAN, } Committee.
W. D. WILES, }

B. K. ELLIOTT, *City Attorney.*

Which on motion by Mr. Brown, was potponed for one week.

Mr. Cottrell introduced General Ordinance No. 23, 1870, entitled :

AN ORDINANCE authorizing Christian F. Schmidt to build a sewer from the intersection of High and Wyoming streets, to connect with the Ray street sewer.

Which was read the first time.

On motion, the rules were suspended for the purpose of reading the above entitled ordinance the second and third times, and all claim ordinances.

The above entitled ordinance was then read the second time and ordered to be engrossed.

Then 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, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn--17.

Negative—none.

So the ordinance passed.

Special Appropriation Ordinance No. 22, 1870, entitled :

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

Was read the second and third times and placed upon its passage.

The question being, shall the ordinance pass ?

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle,

Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Negative—none.

So the ordinance passed.

Special Appropriation Ordinance No. 21, 1870, entitled :

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

Was read the second and third times and placed upon its passage.

The question being, shall the ordinance pass?

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

Negative—none.

So the ordinance passed.

His Honor, the Mayor, offered the following :

That the City Clerk be required to have inserted in the city papers, for at least two weeks, the following notice to tax-payers :

NOTICE TO TAX-PAYERS—Notice is hereby given, that in pursuance of the provisions of section 59, of the City Charter, "The Common Council, together with the City Clerk and City Assessor, will meet at the Council Chamber in said city, on Saturday May 28, 1870, at 7½ o'clock P. M., as a Board of Equalization, to hear and decide all complaints' (if there be any,) in relation to the city appraisalment for the year 1870, and equalize the same as right and justice may require.

Which was adopted.

Mr. Kahn rose to a question of privilege, and stated that he not being present at the last session of the Council, when a resolution was passed rescinding the vote of censure cast on Mr. Cottrell, and wished now to have his vote recorded in the affirmative.

Which was granted.

Mr. Thalman presented the following proposition :

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—In regard to the difficulty in width of gravel on Christian avenue, which matter was referred to the Committee on Streets and Alleys, we would propose as follows :

We will furnish and spread gravel ten feet more in width on said street, making the full width of gravel thirty-five feet instead of twenty-five feet, for the sum of seventeen cents per lineal foot extra.

Respectfully submitted,

HANNING & RENTSCH.

Which was accepted.

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

INDIANAPOLIS, MAY 7, 1870.

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

GENTLEMEN:—Your Committee on Streets and Alleys, beg leave to report that no objection has been filed to the petition of H. Bates, to have Benton street, between Washington and Market streets, vacated; and we would recommend that the said vacation be ordered and decreed by the Council.

Respectfully submitted,

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

Comes now the petitioner, and produces proof that he has given the legal notice of the pendency before the Common Council of the City of Indianapolis, of his petition to vacate Benton street from Washington to Market street, by publication in the *Indianapolis Weekly Journal*, a newspaper of general circulation, published in the city of Indianapolis.

NOTICE.—The undersigned hereby gives notice that a petition is pending before the Common Council for the vacation of Benton street, between Washington and Market streets, and that such petition will be heard by the Council at its meeting to be held on the 7th day of May, 1870, or at some subsequent meeting.

H. BATES.

April 16, 1870.

STATE OF INDIANA, }
 MARION COUNTY, } ss.

Personally appeared before the undersigned, Wilson Morrow, a Notary Public, Henry A. Louden, clerk for Douglass & Conner, publishers of the *Weekly Indiana State Journal*, a newspaper of general circulation, printed and published in the City of Indianapolis, in the County aforesaid, who being duly sworn, upon his oath saith, that the notice of which the attached is a true copy, was duly published in said paper for three weeks successively, the first of which publication was on the 15th day of April, 1870, and the last on the 29th day of April, 1870.

HENRY A. LOUDEN.

Subscribed and sworn to before me, this 29th day of April, 1870.

[SEAL.]

WILSON MORROW, Notary Public.

And also, by posting up copies of said notice on the street above referred to, in three places, which proof is as follows, to-wit:

NOTICE.—The undersigned hereby gives notice that a petition is pending before the Common Council for the vacation of Benton street, between Market and Washington streets, and that such petition will be heard by the Council at its meeting to be held on the 7th day of May, 1870, or at some subsequent meeting.

H. BATES.

April 16, 1870.

STATE OF INDIANA, }
 MARION COUNTY, } ss.

Personally appeared before me, the undersigned, who being duly sworn, upon his oath says, that he has posted in three conspicuous places on the said street proposed to be vacated, in the said city of Indianapolis, copies of the attached notice, of which the above is a true copy, and that the same were posted by him on the 25th day of April, 1870.

HENRY C. BUDDENHAM.

Subscribed and sworn to before me, the 29th day of April, 1870.

JOHN G. WATERS, Notary Public.

And no person appearing to object to said vacation, and it appearing to the satisfaction of the Common Council that the prayer of the petitioner should be granted, it is, therefore, ordered and decreed by the Common Council of the City of Indianapolis, that the said Benton street, between Washington and Market streets, be, and the same is hereby, vacated.

Which was concurred in, and vacation ordered by the following vote:

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

Mr. Thalman introduced Special Appropriation Ordinance No. 23, 1870, entitled:

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

Which was read the first time.

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

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN.—Your Committee on Streets and Alleys, to whom was referred the petition of Charles Lauer and others, report in favor of said alley being vacated, *provided*, the petitioners be at the expense of giving the proper notice in such cases.

Respectfully submitted,

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

Which was concurred in.

Also, the following:

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—Your Committee on Streets and Alleys, have examined the cement culverts put in on Michigan and St. Clair streets, in November last, as authorized by resolution of the Council, passed in October, and find them in apparent good order, having stood the test of some five months freezing and thawing, in a satisfactory manner.

The committee are of opinion that considering the cheapness and durability of cement pipe when made of good cement, and of sufficient age to give it the requisite strength, it is preferable to any other material now in use for street crossings, culverts and sewers, up to the size that are made.

We recommend that the bills of the Cement Pipe Company for the above culverts, as certified by the City Engineer and Street Commissioner, be paid.

Respectfully submitted,

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

Which was concurred in.

Mr. Wiles from the Committee on Contracts, made the following report:

INDIANAPOLIS, May 7, 1870.

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

GENTLEMEN:—Your Committee on Contracts, to whom was referred sundry proposals, have examined the same, and would report that we find the following persons to be the lowest and best bidders, to-wit:

First.—For grading and paving with brick the sidewalks on Mississippi street, between Ohio street and Indiana avenue, at sixty-five cents per lineal foot front on each side, to Samuel Lefever.

Second.—For grading and paving with brick the north sidewalk on Maryland street, between Tennessee and Mississippi streets, to Samuel Lefever at sixty-five cents per lineal foot front.

Third.—For grading and graveling the east sidewalk on Western avenue, between the intersection of St. Mary street with said avenue, and College Home avenue, to Hanway and Rentsch, at twenty-seven cents per lineal foot front.

Fourth.—For grading and paving with brick the west sidewalk on New Jersey street, from Washington street to South street, to Samuel Lefever, at sixty-three cents per lineal foot front.

Fifth.—For grading, graveling and curbing the outside edge with white oak plank, the sidewalks on Benton street, from Maryland to Bates street at twenty-six cents per lineal foot front, for grading and graveling, and twenty-five cents per lineal foot front, for curbing, to Richard Carr.

Sixth.—For grading and bouldering Pennsylvania street, from the north side of Michigan street, to the north side of North street, to Richard Carr, at two dollars and sixty cents per lineal foot front, on each side.

Seventh.—For grading and graveling Wilkins street and sidewalks, from Tennessee to Chestnut street, to John Richardson, at six-four cents per lineal foot front.

Eighth.—For grading and graveling West street and sidewalks, from the south line of Root street, and the Corporation line south, to John Richardson at fifty-four cents per lineal foot front, on each side of the line improved.

Ninth.—For grading and graveling Severn alley, running from Maryland to Georgia street, through square seventy-five, to B. F. Coleman, at thirty-five cents per lineal foot front, on each side of the line improved.

Tenth.—For grading and graveling Davidson street and sidewalks. from the north side of North street to St. Clair street, to David Sylvester, at seventy-seven cents per lineal foot front, on each side of the line improved.

Eleventh.—For grading and graveling California street and sidewalks, from Indiana ave to North street, to Robert H. Patterson, at fifty cents per lineal foot front, on each side of the line improved.

Twelfth.—For grading and graveling First street and sidewalks from Illinois street to the Central Canal, to Samuel Lefever, at eighty cents per lineal foot front, on each side of the line improved.

Thirteenth.—For grading and graveling Wabash street and sidewalks, from New Jersey street to East street, to James Mahoney, at fifty cents per lineal foot front, on each side of the line improved.

And we would recommend that the contracts be awarded as named.

Respectfully submitted,

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

Which was concurred in.

His Honor, the Mayor, presented the following :

MAYOR'S OFFICE,
INDIANAPOLIS, May 7, 1870. }

To the Honorable Common Council :

GENTLEMEN:—I have the honor to present herewith the appointment of Standing Committees for the ensuing year :

On Accounts and Claims.

JAMES H. WOODBURN,
LEON KAHN,
CHRISTOPHER HECKMAN.

On Sewerage.

JOHN L. MARSEE,
ERIE LOCKE,
COURTLAND WHITSIT.

On the Judiciary.

JOHN S. NEWMAN,
TEMPLE C. HARRISON,
THOMAS COTTRELL.

On Railroads.

WILLIAM D. WILES,
FREDERICK THOMS,
JAMES MCB. SHEPHERD.

On Finance.

JOHN S. NEWMAN,
JAMES H. WOODBURN,
THOMAS COTTRELL,
AUSTIN H. BROWN,
ISAAC THALMAN.

On Public Schools.

TEMPLE C. HARRISON,
ISAAC THALMAN,
COURTLAND WHITSIT.
ERIE LOCKE,
AUSTIN H. BROWN.

On Revision of Ordinances.

TEMPLE C. HARRISON,
ERIE LOCKE,
THOMAS COTTRELL.

On Markets.

JOHN PYLE,
WILLIAM W. WEAVER,
ROBERT KENNINGTON.

On Streets and Alleys.

ISAAC THALMAN,
JOHN L. MARSEE,
CHRISTOPHER HECKMAN.

On Public Buildings.

WILLIAM W. WEAVER,
JOHN PYLE,
JAMES MCB. SHEPHERD.

On Bridges.

ERIE LOCKE,
JOHN L. MARSEE,
AUSTIN H. BROWN.

On Gas Light.

WILLIAM D. WILES,
LEON KAHN,
ROBERT KENNINGTON.

On Fire Department.

JOHN L. MARSEE,
ISAAC THALMAN,
EDWARD REAGAN.

On Printing and Stationery.

FREDERICK THOMS,
TEMPLE C. HARRISON,
AUSTIN H. BROWN.

On Water Works.

LEON KAHN,
WILLIAM D. WILES,
CHRISTOPHER HECKMAN.

On Benevolence and Hospitals.

JAMES H. WOODBURN,
WILLIAM W. WEAVER,
EDWARD REAGAN.

Very respectfully, your obedient servant,

DANIEL MACAULEY, Mayor.

May 7, 1870.]

COUNCIL PROCEEDINGS.

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On motion by Mr. Cottrell, Council adjourned to meet Thursday, May 12, 1870, at 7½ o'clock P. M.

DANIEL MACAULEY, *Mayor*.

ATTEST :

DANIEL M. RANDELL, *City Clerk*.