

PROCEEDINGS
OF THE
COMMON COUNCIL..

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
SATURDAY, JUNE 25, 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 members :

Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Whitsit, Wiles and Woodburn—17.

Councilmen Weaver being excused.

The proceedings of the regular session held June 18, 1870, were read and approved.

His Honor announced that the ordinance fixing the levy for the current year, would be the first thing in order.

Mr. Harrison moved to strike out ten, and insert fifteen cents, on each one hundred dollars, as a levy for school purposes.

Mr. Kahn moved to amend by inserting twelve instead of fifteen cents.

The question being on the adoption of the motion to amend by inserting twelve cents.

The ayes and noes were demanded.

Those who voted in the affirmative were, Councilmen Cottrell, Heckman, Kahn, Kennington, Reagan, Shepherd, Thoms, Wiles and Woodburn—9.

Those who voted in the negative were, Councilmen Brown, Harrison, Locke, Marsee, Newman, Pyle, Thalman and Whitsit—8.

So the motion to amend was adopted.

Mr. Harrison's motion as amended, was then adopted.

Dr. Woodburn moved to strike out ninety cents and insert one dollar, as a levy for general purposes.

The question being on the adoption of the motion to strike out and insert.

Those who voted in the affirmative were, Councilmen Marsee, Pyle, Whitsit, Wiles and Woodburn—5.

Those who voted in the negative were, Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Newman, Reagan, Shepherd, Thalman and Thoms—12.

So the motion to strike out and insert was not adopted.

The ordinance was then ordered engrossed and passed by the following vote:

Those who voted in the affirmative were, Councilmen Cottrell, Heckman, Kahn, Marsee, Newman, Pyle, Reagan, Shepherd, Thalmann, Thoms, Whitsit and Wiles—12.

Those who voted in the negative were, Councilmen Brown, Harrison, Kennington, Locke and Marsee—5.

Mr. Brown moved to reconsider the vote by which the report of the Committee on Streets and Alleys was concurred in, and order of vacation made, in regard to alley in out-lot 85, there being an injunction or restraining order against said vacation.

Which was adopted by the following vote:

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Reagan, Thalmann, Whitsit, Wiles and Woodburn—12.

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

Mr. Heckman presented the following remonstrance:

INDIANAPOLIS, June 25, 1870.

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

GENTLEMEN:—The undersigned, residents and real estate owners in out-lot 85 and the out-lots and squares adjacent thereto, in said city, respectfully petition your honorable body to rescind the order made by you on the 18th inst., for the vacation of the first alley south of Pogue's Run, running east and west through said out-lot 85, for the following reasons:

1. The petition, on which said order was predicated, did not give the names of the parties to be affected by such vacation, as required by law.
2. Because a large number of persons, whose interests will be seriously affected by such vacation, presented on the 23d of April last, a remonstrance to this body against the same, and said order was made over said remonstrance, notwithstanding the same was not withdrawn, although but six persons in all had signed said petition.

Your petitioners learn from the record of said order that said remonstrance was disregarded, for the alleged reason that said remonstrants had no legal right to so remonstrate.

Your petitioners believe that such a ruling would not have been made, if the facts, as they existed, had been known, for in fact said remonstrants, with the exception of Anthony Schrader, were all owners of lots in said out-lot 85, or in the out-lots and squares immediately adjacent thereto.

Of said remonstrants, William Cook, Christian Cook, G. C. Krug, John Moran and William Hackett, were all owners of lots in out-lot 85; that the Evangelical German Lutheran Church owned lots eleven (11) and twelve (12) in out-lot 85, and the west half of lot ten (10), and had on the north and south alley running through said out-lot, commonly known as Cook street, two commodious school houses, and on the west ends of lots eleven (11) twelve (12), a church edifice, and that Charles Prange, Frederick Wm. Resener and Frederick Ostermeyer, the Trustees of said Church, were among said remonstrants. That said William Hackett, one of said remonstrants, was the owner of lot three (3) in out-lot 85, which is so situated that the vacation of said alley will cut him off from all approach to said alley, or Cook street, and leave him no out-let whatever from the rear of his lot.

Wherefore, they say, that the facts in the case were not fairly presented to the Council before said order of vacation was made; and they respectfully submit, that the Common Council, on the state of facts here presented, had no power, under the law, to order the vacation of said alley.

Respectfully submitted.

WILHELM COOK,
F. WM. RASENER,
CHARLES PRANGE,
WILLIAM SONNEFIELD,
FRIEDERICK OSTERMYER,
And 19 others.

Which, on motion, was referred to the Committees on Judiciary and Streets and Alleys, with instructions to investigate the matter and report.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

OFFICE OF CITY CIVIL ENGINEER, }
Indianapolis, June, 25, 1870. }

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 the first alley east of Pennsylvania street, from St. Clair to Pratt street.

Length on east side.....	325 feet.
Length on west side.....	326 feet.
	—
Total length.....	652 feet.
At twenty-seven cents per lineal foot.....	\$176 04

Also, James Mahoney, for grading and graveling Wabash alley from New Jersey to East street.

Length on north side.....	435 feet.
Length on south side.....	435 feet.
	—
Total length.....	870 feet.
At fifty cents per lineal foot.....	\$435 00

Also, Charles Rooney, for grading and paving the north sidewalk on Indiana avenue, from Mississippi to West street.

Total length 879 feet 6 inches, at sixty-four cents per lineal foot ----- \$562 88

Also, Patterson and Dunning, for grading and bouldering New Jersey street from south side of Massachusetts avenue to Fort Wayne avenue. Partial estimate from from Michigan to North street.

Length on east side.....	600 feet.
Length on west side.....	600 feet.
	—
Total length.....	1200 feet.
At two dollars and seventy cents per lineal foot.....	\$3,240 00

Four stone foot crossings and curb at the intersection of North and New Jersey street.....	400 00
	—
Total.....	\$3,640 00

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

On motion the Council adjourned to meet Monday, June 27, at 7½ o'clock P. M.

DANIEL MACAULEY, *Mayor.*

ATTEST :

DANIEL M. RANDELL, *City Clerk.*