
PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, OCTOBER 10, 1870, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—Hon. John S. Newman, President pro tem. in the chair, and the following members:

Councilmen Brown, Harrison, Heckman, Kahn, Marsee, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Absent—Councilmen Cottrell, Kennington, Locke—3.

The proceedings of the regular session, held October 3, 1870, were read and approved.

Mr. Whitsit moved that when the Council adjourn it adjourn to meet Thursday, October 13, 7 o'clock, P. M.

Which was adopted.

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

ORDINANCES ON FIRST READING.

Dr. Woodburn introduced special Appropriation Ordinance, No. 53, 187), entitled:

An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first time.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report:

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

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

J. J. Palmer, to grading and graveling Davidson street and sidewalk, from the north side of North street, to the Peru Railroad track; east side, 383 feet; west side, 353 feet; total, 736 feet, 76 cents per foot.....	\$559 36
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Also, the following partial estimate:

August Richter, to building stone abutment walls for bridge on new channel of Pogues Run, where the same is crossed by Tennessee street:

12,420 ft. timber in foundation, at \$2 25 per 100,	\$279 45
120 yards masonry at \$6 28½ per yard.....	784 20

Total.....	\$1,033 65
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Respectfully submitted,

R. M. PATTERSON,
Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

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

The City Clerk respectfully reports to the Council,

First. Contract and bond of Joseph Kruger, for grading and paving with brick, the south sidewalk on the National road from Noble street to the Michigan road.

Second, Contract and bond of Joseph Kruger, for grading and paving with brick, the east sidewalk on East street, from St. Clair street to Massachusetts avenue.

Third. Contract and bond of Samuel LeFevre, for grading and bowldering the gutter and curbing the outside edge of the sidewalk, with white oak curbing, the sidewalk on west New Jersey street, from the south line of lot 6, in out-lot 22, to the south end of lots 1, 2 and 3, in out-lot 19.

Fourth. Contract and bond of William Yeager, to grade and gravel the first alley south of North street, running east and west from Noble to Liberty street, through out-lot 49.

Fifth. Contract and bond of William Kowan, for grading and graveling New York street and sidewalk, from the west side of Blake street to Agnes street.

Sixth. Contract and bond of James S. Coyner, for building fence on Delaware street, from Massachusetts avenue to St. Clair street.

Seventh. Contract and bond of Wm. H. & O. S. Keeley, for grading and paving with brick, the east sidewalk on Liberty street, from north to Lockerbie street.

Eighth. Contract and bond of Hanway & Rubush, for grading and bowldering the first alley west of Missouri street, running from Washington street to Cumberland street.

Ninth. Contract and bond of Hanway & Rubush, for grading and bowldering the alley running north and south through square 57, from Washington street to Market street.

Tenth. Contract and bond of Hanway & Rubush, for grading and

graveling the first alley north of Fletcher avenue, running from Harrison street east to Pine street.

Respectfully submitted,

D. M. RANSELL,
City Clerk.

Which was concurred in and contracts and bonds approved.

The City Clerk made the following report :

INDIANAPOLIS, October 10, 1870.

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

GENTLEMEN: The City Clerk respectfully reports the following affidavit for the collection of street assessment by precept, to-wit: John Richardson v. W. H. H. Johnson, for \$172 80, and would respectfully recommend that you order the precepts to issue.

Respectfully submitted,

D. M. RANSELL,
City Clerk.

Which was concurred in and precept ordered to issue.

The Street Commissioner made the following report :

INDIANAPOLIS, Oct. 1, 1870.

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

GENTLEMEN: I have the honor to report the following work done in the Street Department since September 1, 1870 :

FIRST WARD.

Opened the gutters on New Jersey street, between New York and Michigan streets.....	123 00
Repaired the culvert on Vermont and New Jersey streets...	7 00
Opened the gutters on East street, between New York and North streets.....	17 00
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	\$80 00

SECOND WARD.

Opened the gutters on Broadway street, between St. Clair and Cherry streets.....	\$20 00
Opened the gutters on Vine street, between Jackson and Ash streets.....	35 00
Opened the gutters on Jackson street, between Arch and Cherry streets.....	17 00
Opened the gutters on Cherry street, between East and Broadway streets.....	14 00
Opened railroad ditch, between St. Clair and North streets.	27 00
Opened the gutters on St. Clair street, between East and New Jersey streets.....	13 00
Leveled up Delaware street, between St. Mary and Tinker streets.....	38 00
Opened the gutters on Pennsylvania street, above Tinker street.....	17 00
Opened the gutters on East street, between St. Clair and North streets.....	19 00
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	\$200 00

THIRD WARD.

Cleaned and repaired the culvert on Washington and Illinois streets.....	27 00
Cleaned and repaired the culvert on Washington and Meridian streets.....	32 00
Repaired the culvert on North and Mississippi streets.....	9 00
Put in cement culverts across Tennessee and Mississippi streets, on the north side of First street.....	224 00
Opened the gutters on Mississippi street, between First and St. Clair streets.....	17 00
Opened the ditch on First street, between Tennessee street and Canal.....	38 00
Placed three foot-bridges on Mississippi and First streets...	12 00
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	\$359 00

FOURTH WARD.

Opened the gutters on West street, between New York and North streets.....	\$23 00
Opened the gutters on Indiana avenue, between West street, and the corporaticn line.....	48 00
Opened the gutters on Michigan street, between West and Blackford streets.....	17 00
Filled the holes on Indiana avenue, between West and California streets.....	38 00
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	\$126 00

FIFTH WARD.

Repaired the culvert on Illinois and Maryland streets.....	19 00
Repaired the culvert on Illinois street and Madison avenue.	7 00
Opened the gutters on Louisiana street, between Tennessee and Mississippi streets.....	19 00
Opened the gutters on Tennessee street, between Georgia and South streets.....	17 00
Opened the gutters on South street, between Mississippi and Tennessee streets	11 00
Repaired the culvert on Tennessee and South streets.....	5 00
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	\$78 00

SIXTH WARD.

Repairrd the culvert on Meridian and Georgia streets.....	9 00
Repaired the culvert on Meridian and Maryland streets.....	4 00
Repaired the culvert on Pennsylvania and Washington streets.....	6 00
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	\$19 00

SEVENTH WARD.

Repaired the culvert on East and South streets.....	7 00
Repaired the culvert on South and Alabama streets.....	9 00
Placed a foot-bridge on East and Buchanan streets.....	4 00
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	\$20 00

EIGHTH WARD.

Opened the gutters on Cedar street, between Noble and.....	\$21 00
Opened the gutters on Huron street, between Noble and.....	31 00
Put in a foot-bridge on McCarty street and Virginia avenue	4 00
Repaired the crossing on Huron and.....	12 00
Opened the gutter on Bates street, near Cady street.....	11 00
Opened the gutters on Cady street, between Bates and Washington streets.....	19 00
Opened the gutters on Meek street, between Cady and Noble streets.....	9 00
Opened the gutters on.....	22 00
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	\$129 00

NINTH WARD.

Cleaned Washington street, between Noble and Meridian streets.....	65 00
Cleaned Pennsylvania street, between Washington and Market streets.....	10 00
Renewed the culvert on Market and Noble streets.....	30 00
Repaired the culvert on New Jersey and Market streets.....	5 00
Repaired the culvert on Market and Alabama streets.....	7 00
Opened the gutters on East street, between Washington and New York streets.....	31 00
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	\$138 00

BRIDGES.

Repaired the bridge over Pogues Run on Illinois street.....	27 00
Repaired the bridge over Pogues Run on Virginia avenue..	13 00
Repaired the bridge over Pogues Run on East street.....	3 00
Built a bridge over the Tail Race, back of Geisendorff's flouring mill.....	375 00
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	\$418 00

MISCELLANEOUS.

In accordance with the orders of your honorable body, I have filled to ten per cent. of the assessed value of lots belonging to the following named parties and described as follows :

Charles Barnetz, lot 16, in Hendricks' subdivision of out-lot 99; 50 yards of earth, at 30 cents.....	\$15 00
Hill & Wingate, lot 17, in Hendricks' subdivision of out-lot 99; 50 yards of earth, at 30 cents.....	15 00
J. H. McKernan, lot 18 and 19, in McKernan's subdivision of out-lot 99; 67 yards of earth, at 30 cents.....	20 00
M. A. Huffington, lot 18, in Hendrick's subdivision of out-lot 99; 25 yards of earth, at 30 cents.....	7 50
Henry Hallman, lot 20, in Hendricks' subdivision of out-lot 99; 25 yards of earth, at 30 cents.....	7 50
C. H. Hays, lot 21, in Hendricks' subdivision of out-lot 99; 25 yards of earth, at 30 cents.....	7 50
P. Dougherty, lots 123 and 194, in Dougherty's subdivision of out-lot 99; 80 yards of earth, at 30 cents.....	24 00
Deloss Root, lot 17, in McKernan's subdivision of out-lot 99; 33 yards of earth, at 30 cents.....	9 90
Charles Colon, lots 20 and 21, in McKernan's subdivision of out-lot 99; 67 yards of earth, at 30 cents.....	20 00
Thomas Reed, lot 171, in Dougherty's subdivision of out-lot 99; 80 yards of earth, at 30 cents.....	20 00
McKernan & Yandes, lots 27, 28, 29 and 30, in McKernan, Pierce & Yandes' subdivision of out-lot 100; 167 yards of earth, at 60 cents.....	50 10
Lewis Beheimer, lot 1, in square 18 of Drake's addition; 250 yards of earth, at 28 cents.....	70 00
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	\$266 50

RECAPITULATION BY WARDS,

Showing the amount on hand September 1, 1870, the amount appropriated September 26, 1870, the amount expended since September 1, 1870, and the amount on hand at the present date.

WARDS.	Deficit Sept. 1, 1870.	Bal. on hand Sep. 1, '70	Approp'n Sept. 26, 1870.	Total with Appropri- ation.	Am't exp. since Sep. 1, '70	Balance on hand.	Deficit.
First		222 00	\$500 00	\$722 00	\$80 00	\$642 00	
Second ...		773 00	500 00	1,273 90	200 00	1,073 00	
Third	106 16		500 00	393 84	359 00	34 00	
Fourth ...		73 84	500 00	573 84	126 00	447 84	
Fifth		134 98	500 00	634 98	78 00	556 98	
Sixth	387 00		500 00	113 00	19 00	74 00	
Seventh..		137 20	500 00	637 20	20 00	617 00	
Eighth ...	17 65		500 00	482 35	129 00	353 35	
Ninth.....	334 65		500 00	165 65	138 00	27 35	
Brg. fd...		801 00		801 00	418 00	383 00	
Misc. fd..	1,041 38				266 50		\$1,307 88
Total...	\$2,086 84	\$2,342 97	\$4,500 00	\$6,842 97	\$1,833 50	\$4,009 21	\$1,307 88

Respectfully submitted,

A. BRUNER,

Street Commissioner.

Which was received.

The City Sexton made the following report:

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

GENTLEMEN: The following interments have been made by me in the City Cemeteries during the month of September.

Under 5 years.....	14
From 20 to 30 years.....	1
From 30 to 40 years.....	1
From 40 to 50 years.....	1
From 50 to 60 years.....	2
From 60 to 70 years.....	1
From 80 to 90 years.....	1

20

Respectfully submitted,

J. H. HEDGES,

City Sexton.

Which was adopted.

The Sewerage Engineer made the following report :

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

GENTLEMEN: The following is the second and partial estimate allowed Jacob Wirth & Co., on account of Kentucky avenue sewer, and material delivered for the same :

1,080 lineal feet of sewer, \$19 54.....	\$21,165 20
62 house connections, \$1 00.....	62 00
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	21,227 20
Deduct former estimate.....	9, 862 16
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	11,365 04
Less 15 per cent.....	1,704 76
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Balance.....	\$9,660 28

Respectfully submitted,

J. W. BROWN.

Which was received.

Mr. Thalman introduced special Appropriation Ordinance No. 54, 1870, entitled :

An Ordinance appropriating money for the use of the Street Commissioner, to be used for miscellaneous purposes.

Which was read the first time.

Mr. Thalman introduced Special Appropriation Ordinance No. 55, 1870, entitled :

An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first time.

CALL OF THE ROLL.

Mr. Brown presented the following remonstrance :

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

GENTLEMEN: We, the undersigned citizens and property owners

along the line of Louisiana street, between Virginia avenue and East street, also on East street, between Virginia avenue and Georgia streets, also on New Jersey street, between Virginia avenue and South street, also on Virginia avenue, between Louisiana street and East street, having learned that the Indianapolis, Cincinnati & Lafayette Railroad Company, have petitioned your honorable body for permission to remove the switch now located west of Virginia avenue on Louisiana street, we, your petitioners, would respectfully but most earnestly remonstrate against the granting of the prayer of said petitioners, for the following reasons, to-wit:

First, the removing of said switch will not decrease the obstruction of Virginia avenue, but on the other hand increase it. Again, said Railroad Company do now occupy said Louisiana street with switecing engines, twenty hours in twenty-four, to the great injury of the property in that locality. Again, the granting of said petition will greatly decrease the already depreciated value of property along said street. We can have no rest, day or night, in consequence of the rattling of trains and blowing of whistles, and ringing of bells. Now, gentlemen, we claim the right to the free use and enjoyment of our property, unless deprived of the same by due process of law, and that we cannot be deprived of it without a consideration. Again, said Railroad Company have the right to the use of said street, for only one track, according to the terms of the ordinance granting said Company the right of way, passed April 20, 1852, the first section of said ordinance provides that said Company shall lay but one track in the centre of said Louisiana street from the eastern boundary of the city to Alabama street. Sec. 2 provides that said Company shall procure a sufficient quantity of ground east of East street, to make said Louisiana street eighty feet wide, and shall proceed publicly to open and grade the same eighty feet wide, and that said street shall be a public highway. Again, the ordinance past June 15, 1852, provides that said Company shall construct and maintain all crossings, foot-bridges, gutters, etc. Sec. 2 of said ordinance provides that said Company shall gravel said street ten feet on each side of said track, and shall keep said street in good repair, and we now affirm and declare that said Company have never complied with one single provision of the ordinances granting them the right of way through and upon said Louisiana street; and now, gentlemen, we protest against your granting said Railroad Company any more priveleges on said street, which will prevent us from the

free use and enjoyment of our property, which is granted to us by justice and the law.

JOHN B. ABBETT,
J. B. REYNOLDS,
S. A. WILSON,
BENJ. DAVIS,
and 25 others.

Which was referred to the Committee on Railroads.

Mr. Brown offered the following motions :

Moved, That the City Clerk report to the Council the names of all contractors whose contracts for public work are not yet completed, with a statement of the kind of work contracted for and the dates of limitation for doing such work.

Also, the following motion :

Moved, That the Civil Engineer prepare plans and specifications for the construction of stone arches over Pogues Run on Meridian street, and report an estimate of the cost of the same, to the Council

Which were adopted.

Mr. Harrison presented the following petition :

INDIANAPOLIS, Oct. 3, 1870.

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

GENTLEMEN: Your petitioner, Robert Gordon, respectfully represents that he was assessed for the year 1869, on a note for \$600, and that at the time and on the first day of January, prior thereto he was in debt to exceed said amount, and said assessment was therefore erroneous, and he therefore prays that the amount of taxes which he paid on said assessment of \$600 be refunded to him.

R. GORDON.

Sworn to and subscribed before me this 3d day of October, 1870.

TEMPLE C. HARRISON,
Notary Public.

[SEAL.]

Which was referred to the City Assessor and Committee on Judiciary.

Mr. Harrison offered the following motions :

Moved, That the Street Commisioner be and is hereby instructed to construct suitable culverts on each side of Vine street, where the same intersects with Broadway.

Also, the following motion :

Moved, That the city Commissioners, Committee on Streets and Alleys and City Civil Engineer be, and they are hereby instructed to devise and report the Council a general and Comprehensive system of streets and alleys with the view that the same be adopted to govern the matter in future additions to the city.

Which were adopted.

Mr. Heckman offered the following motion :

Moved, That the City Marshall notify the Indiana Central Railroad Company and the Indianapolis and Junction Railroad Company of the passage of an ordinance to place a flagman on the crossing of the Michigan road and Orian street.

Which was adopted.

Mr. Newman presented the following remonstrance :

INDIANPOLIS, Oct. 3, 1870.

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

GENTLEMEN: We, the undersigned property holders, desire to enter our protest against the graveling of Vermont street, between East and Liberty streets, and do petition that the consideration of so much of the ordinance as relates to graveling, be indefinitely postponed.

SISTERS OF PROVIDENCE.
LOUISA M. HOLT.

Which was received.

Mr. Reagan offered the following motions :

Moved, That the action of the Council authorizing the readvertising of the work for improving Louisiana street, from Illinois to

Tennessee streets, be reconsidered, and that the contract be awarded to Hanway & Rubush, at their bid, they being the lowest bidders.

Also, the following motion :

Moved, That the Street Commissioner notify the Indianapolis, Cincinnati and Lafayette Railroad Company, and all other railroad companies whose tracks cross Tennessee street, to build a stone culvert under their tracks on the west side of Tennessee street, at the crossing of Louisiana street, and upon failure of said companies to perform said work within five days from date of notice, that the Street Commissioner perform said work and collect the costs.

Also, the following motion :

Moved, That the Street Commissioner authorize the Glass Company, on Kentucky avenue, to open the gutters beneath their tracks in order to prevent the obstruction of the water therefrom ; said opening to be made within ten (10) days from this date, and in case of their refusal or neglect to do said work, the Street Commissioner is directed to have it done, and report the cost of the same to the Council.

Which were adopted.

Mr. Reagan presented the following remonstrance :

INDIANAPOLIS, Oct. 6, 1870.

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

GENTLEMEN: We, the undersigned persons owning property on Mississippi street, between Washington and Maryland streets, do remonstrate against the ordinance introduced to the Council, Oct. 3, "to grade and pave the west sidewalk on Mississippi street, between Washington and Maryland streets," said sidewalk being in good condition.

MRS. JANE E. GRIFFITH,

Guardian of Gordon Griffith and J. Griffith, heirs of J. R. Griffith,
135 feet on Mississippi street.

S. KAHN,

MRS. E. JOHNSON,

Guardian of the minor heirs of J. B. Johnson.

ALICE GRIFFITH.

To whom it may concern :

Not being disposed to stand in the way of desired improvements, I signed a petition to pave sidewalk on west side of Mississippi street, in front of my property, but at the urgent request of this fair remonstrant, I hereby revoke my action in the premises.

October 8, 1870.

L VAN LANNINGHAM.

Dr. Woodburn, I signed petition to pave Mississippi street, but as Mrs. Griffith opposes it, I would like to accommodate her, and hereby withdraw my petition to pave said street.

D. ROOT.

Which was received and ordinance providing for said improvement stricken from the files.

Mr. Shepherd offered the following motion :

Moved, That the City Clerk be instructed to advertise for proposals until December 1, 1870, for the building of a wrought iron bridge over the western arm of the canal on West Washington street, full width.

Which was laid on the table.

Mr. Thalman presented the following petition :

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

GENTLEMEN : The undersigned would respectfully represent that some time since, a petition was presented to the Council for the extension of Vermont street, to Agnes street, and that at the time he was engaged in erecting a business house and dwelling on a lot which, if the extension is made, would be taken by the street, and that he has been delayed up to this time in building, at great loss, and respectfully asks that the question of extension may be settled ; that the Council would take some action so as to enable him to know what to do as to building.

AMOS H. LINTNER.

Which was referred to the City Commissioners.

Mr. Thalman offered to following motion :

Moved, That the Street Commissioner be and is hereby directed to immediately repair the bridge over the canal on Indiana avenue, as it is now in a dangerous condition.

Which was adopted.

Mr. Thoms offered the following motion :

Moved, That the Committee on Printing and Stationery be authorized to contract for stoves and coal for city offices.

Which was adopted.

Mr. Wiles presented the following bill:

INDIANAPOLIS, Oct. 10, 1870.

To Enos & Huebner, for plans, specifications, detailed drawings and superintending the erection of City Prison	\$400 00
Cr. by cash, May 10th.....	200 00
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Balance.....	\$200 00

Which was referred to the Committee on Accounts and Claims.

His Honor the Mayor, Daniel McCauley, presented the following communication :

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

GENTLEMEN: The Board of Managers of the "Orphan's Home," desire to express to you their thanks, for your handsome donation in the way of street improvements, and to say that in the depleted state of our treasury, the gift was *most oportune*.

By order of the Board of Commissioners.

S. HARRISON, Secretary.

Which was received.

On motion, the Council adjourned until Thursday, October 13, 1870, at 7 o'clock, P. M.

ATTEST:

Mayor.

City Clerk.