

PROCEEDINGS

OF THE

COMMON COUNCIL.

SPECIAL SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
THURSDAY, OCTOBER 13, 1870, 7 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, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Absent—Councilmen Cottrell, Heckman, Locke and Pyle—4.

The City Clerk made the following report:

INDIANAPOLIS, Oct. 13, 1870.

The City Clerk respectfully reports to the Council first and final estimate allowed J. J. Palmer, for grading and graveling Davidson street and sidewalk, from the north side of North street to the Peru railroad track.

DAN M. RANSELL,
City Clerk.

Which was concurred in.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed J. J. Palmer for grading and graveling Davidson street and sidewalks, from the north side of North street, to the Peru railroad track, 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.

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Marsee, Newman, Reagan, Shephered, Thoms, Weaver, Wiles and Woodburn—11.

Negative—None.

Dr. Woodburn from the Committee on Benevolence made the following report :

INDIANAPOLIS, Sept. 26, 1870.

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

GENTLEMEN: Your Committee on Benevolence to whom was referred a memorial from one W. W. Stephenson, asking for moneyed relief for injuries claimed to have been sustained from his having been run over by a hose cart, on the evening of January 17th last, having considered the same, are compelled to report adversely to any allowance whatever.

J. H. WOODBURN, }
EDWARD REAGAN, } Committee.

Which was concurred in.

Mr. Marsee from the Committee on Sewerage made the following report :

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

GENTLEMEN: Your Committee on Sewerage, to whom was referred the motion of Dr. Woodburn, directing the Street Commissioner to put down cement pipe on the north side of First street, between Illinois and Mississippi streets, would respectfully report that they have examined the same and find said work absolutely necessary, and would recommend that the City Clerk be directed to advertise for proposals for doing said work.

ERIE LOCKE,
JOHN L. MARSEE, } Committee.
C. E. WHITSIT,

Which was concurred in and the City Clerk instructed to advertise for bids, to be received Monday, October 20, 1870.

Mr. Shepherd offered the following motion :

Moved, That the City Clerk advertise for proposals for laying cement drain pipes from West street east to Pogue's Run, running through the first alley south of McCarty street.

Which was referred to the Committee on Sewers.

Mr. Harrison from the Committee on Revision of Ordinances made the following report :

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

GENTLEMEN: Your Committee on Revision of Ordinances to whom was referred an ordinance "amending and explanatory of an ordinance, (resolution,) extending the city limits, passed December 20, 1869," beg leave to report that they have examined said subject and recommend that the ordinance be stricken from the files.

Respectfully submitted,

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

Which was concurred in and ordinance referred to stricken from the files.

Mr. Thoms presented the following petition :

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

GENTLEMEN: The undersigned petition your honorable body and say that they are residents of the city of Indianapolis, and own property fronting on Market street in said city, that the Commissioners appointed by your honorable body to appraise the benefits arising from the opening of Davidson street, from Market street south to Washington street, to the lots or land upon or through which the improvement of said street is made, have assessed Peter Smith \$20, Henry Geisel, \$33, Robert McClelland, \$6 50, and Mary McCarty, \$5. They further say that the lots so assessed front on Market street, and no part or portion of either of the same, are bounded by the said Davidson street, but that Peter Smith's lot is thirty-five feet west from the north-west corner of the north side of Market and Davidson streets, and runs north one hundred and forty feet to the alley, the nearest point which the said lot has to Davidson street being thirty-five feet, and the said property of Mary McCarty is at no point nearer to Davidson street than one hundred and fifty-two and one-half feet west. The other lots, owned by Henry Geisel and Robert McClelland, lying immediately between the said lots of Smith and Mary McCarty.

Your petitioners further say that the opening of the said street, has been of no benefit whatever to the lots of your petitioners.

Wherefore they say the assessment is wrongful and oppressive, and ask all proper relief.

ROBERT McCLELLAND,
PETER SMITH,
HENRY GEISEL,
MARY McCARTY.

Which was referred to the Judiciary Committee.

ORDINANCES ON SECOND READING.

On motion the following ordinances were read the second time and ordered engrossed.

Special Appropriation Ordinance No. 51, 1870.
Special Appropriation Ordinance No. 52, 1870.
Special Appropriation Ordinance No. 53, 1870.
Special Appropriation Ordinance No. 54, 1870.
Special Appropriation Ordinance No. 55, 1870.
Ordinance No. 197, 1870.

Special Ordinance No. 199, 1870.

Special Ordinance No. 192, 1870.

Special Ordinance No. 191, 1870.

Special Ordinance No. 187, 1870.

Special Ordinance No. 185, 1870.

Special Ordinance No. 184, 1870.

Special Ordinance No. 182, 1880.

Special Ordinance No. 173, 1870.

Special Ordinance No. 170, 1870.

Special Ordinance No. 195, 1870.

Special Ordinance No. 193, 1870.

Special Ordinance No. 194, 1870.

Special Ordinance No. 190, 1870.

Special Ordinance No. 188, 1870.

Special Ordinance No. 183, 1870.

Special Ordinance No. 177, 1870.

Special Ordinance No. 179, 1870.

Special Ordinance No. 181, 1870.

Special Ordinance No. 175, 1870.

Special Ordinance No. 176, 1870.

Special Ordinance No. 174, 1870.

Special Ordinance No. 172, 1870.

Special Ordinance No. 171, 1870.

Special Ordinance No. 134, 1870.

Special Ordinance No. 186, 1870, was ordered stricken from the files.

Special Ordinance No. 178, 1870, entitled :

An Ordinance to grade and pave with brick, the south sidewalk on Michigan street from Missouri street to California street,

Was ordered stricken from the files, upon the suggestion of his honor, the Mayor.

Special Ordinance No. 196, 1870, was read the second time.

Mr. Brown presented the following remonstrance :

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

GENTLEMEN: We, the undersigned owners of property on McCarty street, between the canal and White river respectfully represent that an ordinance was introduced into the Council Monday, October 3, 1870, "to grade and gravel McCarty street, from the canal to White river."

We remonstrate against the passage of such ordinance for the following among other reasons, to-wit :

1st. It is now impossible to do the work at this time of the year, at a reasonable price, or with good material.

2d. The work cannot be done till the bridge is built across Pogues Run, as it will be necessary to haul material across the creek.

3d. The work should not be done until the question of the purchase and abatement of the canal is decided, as no proper grade can be given until that question is decided.

4th. This has been a particularly unfortunate year to improve streets on account of the great scarcity of gravel, prices having been high and work poor.

WILLIAM SHEETS, 428 feet,
 GEORGE KENZEL, 110 feet,
 JAMES H. McKERNAN, 780 feet,
 J. H. McKERNAN & S. YANDES, 331 feet,
 and 5 others.

Which was referred, together with the ordinances, to the Committee on Streets and Alleys.

Mr. Newman, from the Judiciary Committee made the following report :

To Hon. John S. Newman, Chairman :

SIR—I have examined the question presented by the resolution requiring the Street Commissioner to remove track of Street Railway

Company, and am of opinion that the Council have not the power to enact and enforce the resolution.

Respectfully submitted,

B. K. ELLIOTT,

City Attorney.

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

GENTLEMEN: The Judiciary Committee to which, with the City Attorney, was referred a motion to instruct the Street Commissioner to remove the track of the Citizens Street Railway, off the sidewalk at the crossing of Illinois and Tinker streets, and at the corner of Fort Wayne and Christian avenues, have had that matter under consideration with the City Attorney, and report the opinion of the City Attorney in writing to which they assent, and pray to be discharged.

Respectfully submitted,

JOHN S. NEWMAN,

TEMPLE C. HARRISON, } Committee.

Which was concurred in.

General Ordinance No. 49, 1870, entitled :

An Ordinance to regulate the passage of railway trains across streets, etc,

Was read the second time and referred to a select committee, composed of Messrs. Brown, Newman and Wiles.

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

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

GENTLEMEN: Your Committee on Streets and Alleys to whom was referred a motion to put in a stone culvert at the crossing of New York and Pennsylvania streets, have examined the same and recommend that the Street Commissioner be directed to put down cement pipes instead.

Respectfully submitted,

ISAAC THALMAN, }

JOHN L. MARSEE, } Committee.

Which was concurred in.

Dr. Woodburn offered the following motion :

Moved, That John S. Newman be permitted to complete the sidewalk in front of his property on Michigan street, under the supervision of the Civil Engineer.

Which was adopted.

Mr. Shepherd introduced Special Ordinance No. 200, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas except the service pipe on Ray street, between Meridian and Tennessee streets.

Which was read the first time.

Mr. Shepherd introduced Special Ordinance No. 201, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Henry street, between Mississippi and Missouri streets.

Which was read the first time.

ORDINANCES ON THIRD READING.

Special Appropriation Ordinance No. 53, 1870, entitled :

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

Which 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, Harrison, Kahn, Kennington, Marsee,

Reagan, Shephard, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Newman—1.

So the ordinance passed.

Special Appropriation Ordinance No. 51, 1870, entitled:

An Ordinance appropriating money to rebuild the Home for Friendless Women.

Was read the third time and passed by the following vote:

Affirmative—Councilmen Brown, Harrison, Kahn, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Kennington—1.

Special Appropriation Ordinance No. 52, entitled:

An Ordinance appropriating money for the payment of sundry claims on account of the City Hospital, for the month of September, 1870.

Was read the third time and passed by the following vote:

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Appropriation Ordinance No. 54, 1870:

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

Which was read the third time and passed by the following vote:

Affirmative—Councilman Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Appropriation Ordinance No. 55, 1870 :

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

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

General Ordinance No. 17, 1870, entitled :

An Ordinance ordering an ordinance entitled an ordinance relative to hogs or swine running at large in the city of Indianapolis, passed April 5, 1870, to be published according to law.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Harrison, Kahn, Marsee, Newman, Thoms, Weaver, Wiles and Woodburn—8.

Negative—Councilmen Brown, Kennington, Reagan, Shepherd, Thalman and Whitsit—6.

Special Ordinance No. 170, 1870, entitled ;

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Madison avenue, between Phipps and Delaware streets.

Was read the third time and passed by the following vote :

Affirmative—Councilman Brown, Harrison, Kahn, Kenning-

ton, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 173, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Merrill street, between Delaware and East streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 182, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on North street, between West and Missouri streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 184, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Christian avenue, between Ash and Peru streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kenning-

ton, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms
Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 185, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and
fixtures complete to burn gas, except the service pipe on Belle
fontaine street, between Christian and Forest Home avenues.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Nenning-
ton, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms,
Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 187, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and
fixtures complete to burn gas, except the service pipes on Penn-
sylvania street, between First and Seventh streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kenning-
ton, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms,
Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 191, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and
fixtures complete to burn gas, except the service pipe on Ash
street, between Christian and Forest Home avenues.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennig-

on, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 192, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Winston street, between Washington and North streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 193, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Pearl street, between Illinois and Pennsylvania streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thaman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 194, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on St, Joseph street, between Illinois and Pennsylvania streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kenning-

ton, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 195, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps, and fixtures complete to burn gas, except the service pipe, on St. Clair street, between Chatham street and the Bellefontaine Railroad track.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 174, 1870, entitled :

An Ordinance to provide for grading and graveling Vermont street from East to New York streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit and Wiles—12.

Negative—Councilmen Newman and Woodburn—2.

Special Ordinance No. 134, 1870, entitled :

An Ordinance to provide for grading and bowldering the first alley in square 95, west of Illinois street, and running north and south

from the south side of the Union Railway Company's track to South street.

Was read the third time and passed by the following vote:

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 171, 1870, entitled:

An Ordinance to grade and gravel Georgia street between Pennsylvania and Delaware streets.

Was read the third time and passed by the following vote:

Affirmative—Councilman Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance 172, 1870, entitled:

An Ordinance to provide for grading and graveling Chesapeake alley from Pennsylvania street to Railroad street.

Was read the third time and passed by the following vote:

Affirmative—Councilman Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—none.

Special Ordinance No. 175, 1870, entitled:

An Ordinance to provide for grading and paving, with brick, the south sidewalk on Michigan street between Pennsylvania and New Jersey streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 176, 1870, entitled :

An Ordinance to provide for grading and paving, with brick, the east sidewalk of Noble street between Market and Vermont streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 179, 1870, entitled :

An Ordinance to provide for grading and graveling Cumberland street and sidewalks, between Mississippi and Missouri streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 181, 1870, entitled :

An ordinance to provide for grading and paving, with brick, the west sidewalk on Noble street, between Washington and Market street.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 183, 1870, entitled :

An Ordinance to provide for grading and graveling Christian avenue and sidewalks, between Ash and Peru streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 188, 1870, entitled :

An Ordinance to provide for planting shade trees on Blackford street from New York to North streets, and on Blake street from New York to Indiana avenue.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 190, 1870, entitled :

An Ordinance to provide for grading and paving, with brick, the sidewalks of New York street, between Mississippi and Missouri streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 197, 1870, entitled.

An Ordinance to provide for grading and graveling Ellsworth street and sidewalks from New York to Vermont streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

Special Ordinance No. 199, 1870, entitled :

An Ordinance to provide for grading and graveling Missouri street, between Merrill and McCarty streets.

Was read the third time and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Kahn, Kennington, Marsee, Newman, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Negative—None.

On motion the Council adjourned.

DANIEL MACAULEY,
Mayor.

ATTEST :

DAN. M. RANSELL,

City Clerk.