

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, OCTOBER 24, 1870, 7 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, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, and Wiles—15.

Absent—Councilmen Cottrell, Locke and Woodburn—3.

The proceedings of the regular sessions held October 10th, 1870, and October 17th, 1870, and of the adjourned session held October 13th, 1870, were read and approved.

Sealed proposals for public work were opened and read by the City Clerk, and referred to the City Clerk, with instructions to award the contracts to the lowest bidders, with the advice of the Committee on Contracts.

ORDINANCES ON FIRST READING.

Mr. Thoms introduced Special Appropriation Ordinance, No. 58, 1870, appropriating money for the payment of sundry claims against the city of Indianapolis ;

Which was read the first, second and third times, under a suspension of the rules, and passed by the following vote :

Affirmative—Councilmen Brown, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, and Wiles—15.

Negative—None.

Mr. Harrison introduced Special Ordinance No. 205, 1870, entitled :

An Ordinance to provide for grading and paving with brick, the north sidewalk on Pratt street, between Meridian and Illinois streets.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 206, 1870, entitled :

An Ordinance to provide for planting shade trees on Vermont street, from Missouri street to Bright street.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 207, 1870, entitled :

An Ordinance to provide for planting shade trees on Fayette street, from North street to St. Clair street.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 208, 1870, entitled :

An Ordinance to provide for planting shade trees on California street, from Vermont street to Indiana avenue.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 209, 1870, entitled :

An Ordinance to provide for grading and graveling West street, from Indiana avenue to First street.

Which was read the first time.

Mr. Shepherd introduced Special Ordinance No. 210, 1870, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Washington street, from the western arm of the canal to White River.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 211, 1870, entitled :

An Ordinance to provide for planting shade trees on North street, from Missouri to Blake streets.

Which was read the first time.

Mr. Wiles made the following report :

INDIANAPOLIS, Oct. 24, 1870.

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

The Committee on Contracts beg leave to report that the Indiana Cement Pipe Co., are the only, therefore the lowest, bidders for the laying of an 18 inch cement pipe on First street, their bid being one dollar and thirty-five cents per lineal foot, and recommend that the contract be awarded to them.

Respectfully submitted,

W. D. WILES, }
LEON KAHN, } Committee.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, October 24, 1870.

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

The City Clerk respectfully reports to the Council, contract and bond of August Richter, for building a wooden bridge over Pogues Run, on Davidson street.

Respectfully submitted,

DAN. M. RANSDELL,
City Clerk.

Which was concurred in and the contract and bond approved.

The Chief Fire Engineer made the following report :

INDIANAPOLIS, Oct. 24, 1870.

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

GENTLEMEN: I would respectfully report to your honorable body, that Dewey & Twineame, contractors for building cisterns, have completed two of said cisterns, as reported by the Civil Engineer, at last meeting of Council, and would recommend the acceptance of the same.

Respectfully submitted,

DANIEL GLAZIER,
Chief Fire Engineer.

Which was concurred in.

The City Treasurer made the following report:

INDIANAPOLIS, Oct. 24, 1870.

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

GENTLEMEN: I have the honor to respectfully report that the benefits in the matter of the opening of a fifteen foot alley, south along and on the dividing line of out-lots 103 and 104, from Merrill street, etc., have all been paid by the persons against whom such benefits were assessed.

Respectfully submitted,
ROBERT S. FOSTER,
City Treasurer.

Which was received.

The City Clerk made the following report:

INDIANAPOLIS, Oct. 24, 1870.

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

GENTLEMEN: I hereby report the following affidavits for collection of street assessment by precept, as follows:

Richard Carr *vs.* Lovell Bass, for \$21 42.

Richard Carr *vs.* James N. Cooper, for \$91 00.

Richard Carr *vs.* James N. Cooper, for \$66 30.

Richard Carr *vs.* Anna Strang, for \$16 66.

Samuel LeFevre *vs.* Adolph Seidensticker, for \$40 84.

And would recommend that you order the precepts to issue

Respectfully submitted,
DAN M. RANSDELL,
City Clerk.

Which was concurred in.

Mr. Harrison made the following report:

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

GENTLEMEN: Your Judiciary Committee and City Civil Engineer, to whom was referred the petition of Robert Gordon, that the amount of certain taxes paid by him on an erroneous assessment, for

the year 1869, beg to report that we have examined the matter, and recommend that the sum of \$6 06, be refunded to the petitioner.

Respectfully submitted,

WILLIAM HADLEY, Assessor, }
 TEMPLE C. HARRISON, } Committee.
 THOMAS COTTRELL, }

Which was concurred in.

Mr. Marsee made the following report :

INDIANAPOLIS, October 24, 1870.

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

Your Committee on Fire Department, to whom was referred the relocating of the Engine Houses, would respectfully recommend the purchase of Lot No. 2, in Square 12, on Indiana avenue, at \$3,500, on the following terms, to wit :

\$500 cash,

\$1,500 the 1st of March, 1871,

\$1,000 the 1st of March, 1872,

\$500 the 1st of March, 1873,

and that the Mayor and the City Clerk and City Attorney be directed to close the contract for the purchase of the above named lot, and also that on Massachusetts avenue.

J. L. MARSEE, }
 ISAAC THALMAN, } Committee.

Which was concurred in.

The City Attorney made the following report :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN—In compliance with the request of the Chairman of the Committee on Streets and Alleys and of the Street Commissioner, I submit the following opinion :

The Indianapolis and Lafayette Railroad Company were authorized to construct a tract through the city by an ordinance passed November 18, 1851. The track was constructed to conform

to the grade of the streets, as thus established. As the growth and improvement of the city since, has been such as to require that there be a change made in the grade of the streets, and the question that arises is : can the Railroad Company be compelled to change the grade of their track so as to correspond with the change made in the streets?

I have carefully considered the question, and am of opinion that the Council compel the Railroad Company to make the change. The question is not, however, free from doubt; but I think the decided cases fully justify the conclusion at which I have arrived.

I think the proper course would be for the Engineer to prepare a profile showing the grade proposed to be established; that a copy of this be furnished the Railroad Company, and a notice given them to alter the grade of the track to correspond with that shown by the profile.

Respectfully,

B. K. ELLIOTT,

City Attorney.

Which was concurred in.

Mr. Brown made the following report :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN—The Committee on Bridges, to whom was referred the motion of Mr. Reagan, recommending that the City Clerk be directed to advertise for separate proposals for constructing stone abutments for a bridge over Pogue's Run, on Market street, the full width of the street, and for covering the same with a good wooden bridge with side railings.

Your committee would further report that H. B. Wellman will construct an iron bridge over the Canal, the full width of New York street, similar to the First Street bridge, for the sum of \$2,950, and we recommend that the contract be awarded.

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

Which was concurred in.

Mr. Marsee made the following report :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN—Your Committee on Sewerage, to whom was referred the subject of laying cement pipe on West street, south of McCarty

street, would respectfully report that said work is in their opinion necessary, and we would recommend that the contract for doing said work be awarded to the Indiana Cement Pipe Company, at the same price they get for laying the cement pipe on First street.

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

Which was concurred in.

Mr. Kahn made the following report :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN—Your Committee appointed to examine the West Market House, beg leave to report that the same is in a very dilapidated condition, we might say dangerous, and do not think any money should be expended on repairing the same, as it would cost more than the building is worth. We would further recommend that the building be condemned and offered for sale.

Respectfully submitted,

LEON KAHN, }
W. D. WILES, } Committee.

Which was concurred in.

CALL OF THE ROLL.

Mr. Brown presented the following communication :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN : The City Treasurer, R. S. Foster, notified me that I was assessed \$19 for the opening of Georgia street. You are all aware that the opening of Georgia street is a damage to my property by taking travel off Maryland street. It is unjust to collect one cent from me for the opening of that street. You all know that Meridian street is the one that is benefitted by the opening of Georgia street, as they had to haul all their goods by my house, corner of Maryland and Delaware streets.

Your obedient servant,

ANDREW WALLACE.

Which was referred to the Judiciary Committee and City Attorney.

On motion by Mr. Wiles, Messrs. Hanway & Rubush, were released from their contract for improving Louisiana street, from Illinois to Tennessee streets.

Mr. Brown offered the following motion :

Moved, That the Street Commissioner be directed to pave with brick, the sidewalk on west side of Meridian street, in front of the lot owned by W. S. Pierce, said Pierce having failed to comply with the order of the Council, and that the costs of such improvement be collected of said Pierce, by the Street Commissioner.

Which was adopted.

Mr. Harrison offered the following motion :

Moved, That the Street Commissioner be, and he is hereby instructed, to plank the gutter on the west side of North New Jersey street, in front of Langbein's block.

Which was referred to the Committee on Streets and Alleys.

Mr. Heckman presented the following petition :

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

GENTLEMEN : The undersigned, owners of real estate fronting on Bradshaw street, between Holmes and Virginia avenue, and a street 30 feet wide not named, respectfully petition your honorable body to pass an ordinance for the vacation of an alley running from Bradshaw street to this 30 foot street not named on the maps of the city, as said alley is of no benefit to the public at all, and injures the shape of H. Rhodewald's property, in the manner it runs through his lots, as will be seen by maps accompanying said petition, as said alley would not be traveled by any one in the neighborhood, or by any

person at all, as by reference to the map it would be much farther than any route could be by either street.

And your petitioners will ever pray, etc.

WILLIAM MARTINDALE,
DAVID FLEMMING,
and 4 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Reagan offered the following motion :

Moved : That the Street Commissioner be and is hereby ordered to clean the gutters on Georgia street, from Illinois street to Missouri street, and fill the chuck holes on said street.

Which was adopted.

Mr. Kennington offered the following motion :

Moved : That the City Engineer be instructed to report an estimate of the cost of building a stone wall to protect the house of Joseph O'Brien from being undermined by Pogue's Run, near Tennessee street bridge.

Which was adopted.

On motion, the contract and bond of the Indiana Cement Pipe Co., for laying cement pipe on First and McCarty streets, was approved.

Mr. Heckman offered the following motion :

Moved : That the Street Commissiouer report what amount of money he has expended in repairing the railroad crossings, and what amount he has collected from said railroads.

Which was adopted.

Mr. Shepherd offered the following motion :

Moved : That the Street Commissioner be and is hereby ordered to

construct wooden culverts at the crossings of Georgia and Mississippi streets.

Which was adopted.

Mr. Thalman offered the following motion :

Moved : That Fr. Witthoeft be allowed to dig a well and put in a pump in front of his property, No. 329 Indiana avenue, he complying with the ordinance governing the same.

Which was adopted.

Mr. Thalman presented the following petition :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN : Having to-day purchased lot No. 3 on Blake street, I wish to reserve the right to plant out shade trees in front of the same, the trees to be of the soft-maple variety, set and boxed in good style. Please grant the request and oblige,

C. W. RHOADS.

Which was granted.

Mr. Thoms offered the following motion :

Moved : That Wm. Keely have permission to pave with brick, nine feet wide, the sidewalk in front of his property on Noble street, between Market and Ohio streets, said work to be done under direction of the Civil Engineer, and to be done within ninety days.

Which was adopted.

Mr. Weaver presented the following report :

Recapitulation of the Weekly Report of Contents of Register of Patients of City Hospital, ending October 22, 1870 :

Number of patients in Hospital at last report.....	46
Number of patients received in Hospital since last report.....	12
Number of patients born in Hospital since last report.....	2
Number of patients discharged from Hospital since last report...	5

Number of patients died in Hospital since last report 1
 Number of patients remaining in Hospital at present report 54

E. HADLEY, Superintendent.

Which was received.

Mr. Marsee offered the following motion :

Moved: That the Street Commissioner notify the Indianapolis, Peru & Chicago Railroad Company to raise their tracks on New Jersey street so as to conform to the grade of the sidewalks on said street, said work to be done within thirty days from this date.

Which was adopted.

Mr. Brown offered the following motion :

Moved: That the Street Commissioner be instructed to cut open the new channel of Pogue's Run, at the earliest day possible, that the water may run into the same.

Which was adopted.

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

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

Which was read the first time.

Mr. Reagan made the following report :

INDIANAPOLIS, October 24, 1870.

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

GENTLEMEN: A minority of your Committee on the Fire Department, to whom was referred the matter in regard to the purchase of lots for the location of fire engines, would respectfully report that he has not been conferred with either in regard to the location or pur-

chase of the same, and would respectfully recommend that no action be taken in the matter until the whole committee have thoroughly investigated the matter.
EDWARD REGAN.

Which was received.

Mr. Harrison 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 the petition of the City Commissioners, asking the repeal of Sec. 1 of an "ordinance relative to the opening, laying out and widening streets and alleys," passed July 17, 1870, herewith report on ordinance in accordance with said petition.

Respectfully submitted,

TEMPLE C. HARRISON,

Chairman.

Which was received.

Also, General Ordinance No. 53, 1870, entitled :

An Ordinance to repeal Sec. 1 of an ordinance relative to the opening, laying out and widening streets and alleys, passed July 16, 1870.

Which was read the first time.

On motion the Council adjourned.

DANIEL MACAULEY.

Mayor.

ATTEST :

DAN. M. RANSDELL,

City Clerk.