

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, DECEMBER 26, 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, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—None.

The proceedings of the regular session, held December 19, 1870, were read and approved.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS, Dec. 26, 1870.

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

GENTLEMEN: In reply to your communication, in regard to the improvements on East street, between Washington street and Virginia avenue, I have the honor to inform you that the city's portion of the work consists of the following items:

267 ft. 5 in. paving at corner of streets and alleys, at 75 cents per foot.....	\$200 55
235 ft. curbing corner of streets and alleys, at 85 cents per foot.....	199 75
643.8 yds. bouldering street and alley crossings, at 80 cents per yard.....	515 04

Total.....	\$915 34
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Respectfully submitted,

R. M. PATTERSON,

Civil Engineer.

Which was received.

The Sewerage Engineer made the following report:

INDIANAPOLIS, Dec. 26, 1870.

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

GENTLEMEN: The following is the fourth and partial estimate allowed Wirth & Co. on account of Kentucky avenue sewer:

1987 $\frac{2}{3}$ Lineal feet of Sewer, \$19.54.....	\$38,839 01
94 House Connections, \$1.....	94 00
4 Manholes, \$42.....	168 00
5 Catch Basins, \$122.25.....	611 25
95 cubic yds. excavation above low water, 25 cts.....	23 75
62 cubic yds. excavation below low water, \$1.....	62 00

362 cubic feet Foundation Timber, 25 cts.....	90 50
1 Lateral Sewer Connection, \$2.....	2 00
Concrete, \$13.25.....	13 25
	<hr/>
	\$39,904 28
Less two per cent.....	798 08
	<hr/>
	\$39,106 20
Less former payments.....	26,974 58
	<hr/>
Balance.....	\$12,131 62

The specifications require the contractors to keep the work in repair for six months after its completion, but do not say what per cent. is to be retained to secure this being done. I have retained two per cent., deeming that sufficient.

Respectfully submitted,
 J. W. BROWN.

Which was referred to the Committee on Finance.

The Civil Engineer made the following report:

INDIANAPOLIS, Dec. 26, 1870.

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

GENTLEMEN: I hereby report the following partial estimate:

Preston Litton, for building fire cistern at the intersection of Tennessee and Fifth streets,

718.41 barrels, at 55 cents per barrel.....	\$395 12
Deduct fifteen per cent.....	59 12

Present payment..... \$336 00

Respectfully submitted,
 R. M. PATTERSON,
 Civil Engineer.

Which was concurred in.

The Chief Fire Engineer made the following report:

INDIANAPOLIS, Dec. 26, 1870.

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

GENTLEMEN: I would respectfully recommend that Preston Litton be allowed 85 per cent. on his contract for building cistern on corner of Tennessee and Fifth streets, as per report of Civil Engineer.

Respectfully submitted,

DAN. GLAZIER,

Chief Fire Engineer.

Which was concurred in.

The City Clerk made the following report:

INDIANAPOLIS, Dec. 26, 1870.

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

GENTLEMEN: I respectfully report the following affidavits for the collection of street assessment by precept, and would recommend that you order the precepts to issue:

Hanway & Lefever vs. Andrew E. Caffee, for.....	\$60 74
Hanway & Rubush vs. B. M. Spicer, for.....	28 06
“ “ Samuel Delzell, for.....	69 08
“ “ McKernan & Pierce, for.....	56 12
“ “ W. H. Cossler, for.....	56 12
“ “ W. K. Fridley, for.....	28 06
“ “ Mary Gage, for.....	42 25½
“ “ H. C. Newcomb, for.....	48 44
David Sylvester vs. Mary E. Noble, for.....	348 54
“ “ H. H. Hutchins, for.....	176 88

Respectfully submitted,

DAN. M. RANSELL,

City Clerk.

Which was concurred in.

Mr. Harrison presented the following:

Last Will and Testament of the late Stephen D. Tomlinson.

City of Indianapolis, County of Marion, State of Indiana.

April 18, 1870.

In the name of God. Amen.

I, Stephen D. Tomlinson, being in a sound and healthy state of mind, and in a proper frame of mind for the duty before me, do make this my last will and testament.

Item first. I bequeathe all the property of which I am possessed, both real and personal, to my beloved wife, Mary T. Tomlinson, to be by her used for her maintenance and convenience; and to be by her consumed in any degree or to any extent, according to her desires and necessities.

Item second. The residue of my estate which may remain after her decease, whether the same be acquired by exchange or purchase, I bequeath to the city of Indianapolis, to be used in the erection of buildings for the use of citizens and city authorities, what are commonly termed "Public Buildings," on the west end of the East Market House, fronting on Delaware street, and next north^{ly} of Market street. And I further direct, that there be no unnecessary delay in converting the property hereby bequeathed to the uses designated, as I do not wish to endow the city with a property to be held indefinitely for rent.

Item third. Should it be that the city provides their public buildings before this devise shall come to it, I hereby authorize my beloved wife to direct the purpose to which the same may be applied.

Item fourth. I shall leave no debts behind me of which I shall not leave ample evidence, and I protest against any and all claims that may be preferred against my estate, of the correctness of which I do not myself leave sufficient testimony.

Item fifth. As my beloved wife is my sole legatee, I nominate her as executrix of this my last will, requesting that no bond or any other form of security be required of her.

Executed this eighteenth day of April, in the year of our Lord one thousand eight hundred and seventy.

STEPHEN D. TOMLINSON.

Signed in presence of

F. M. CHURCHMAN,
CHAS. P. WILDER.

Filed and admitted to probate December 1, 1870.

WILLIAM J. WALLACE,
Clerk M. C. C. P.

Which was received.

On motion by Mr. Kennington, Greenleaf & Co. were granted permission to put down an iron culvert, at their own expense, at any crossing the Council may direct.

Dr. Woodburn offered the following resolution:

WHEREAS, It appears to the satisfaction of the Common Council of the city of Indianapolis, that the following named and described lots of land adjoining said city have been laid off and platted, and a record of the same has been made in the Recorder's office, in the County of Marion, State of Indiana to-wit:

Albert Crane's addition, being a subdivision of the southwest corner of the northwest quarter of section 35, town 16, range 3 east, shown and defined by metes and boundaries in the plat and description of said addition, as recorded in plat-book No. 2, page 6, in the Recorder's office of said county.

Gustavus Schurmann's addition, being a subdivision of a part of the north half of the east half of the northeast quarter of section 35, town 16, range 3 east, into 25 lots, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 3, page 131, in the Recorder's office of said county.

Samuel Henderson's addition, being the east half of the northeast quarter of section 35, town 16, range 3 east, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 1, pages 5 and 6 in the Recorder's office of said county.

William H. Morrison's addition, being a subdivision of the southwest corner of the west half of the northwest quarter of section 36, town 16, range 3 east, into 38 lots, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 3, page 121 in the Recorder's office of said county.

William H. Morrison's second addition, being on the west part of the northwest quarter of section 36, town 16, range 3 east, containing lots numbered from 39 to 115 inclusive, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 3, page 124, in the Recorder's office of said county.

Allen and Root's north addition, being a plat of forty-seven and seventy-six hundredths (47.76) acres, known and divided as follows to-wit: Beginning at a stone in the Fort Wayne State Road, being the center of section 36, town 16, range 3 east, running thence west 20 chains 86 links to a point in the quarter section line, being the southeast corner of Elizabeth Tinker's land; thence north 1,474.92 feet; thence east 1,388 feet to a point in the center of said Fort Wayne State Road; thence south 1,467.62 feet to the place of beginning, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 3, page 129, in the Recorder's office of said county.

Johnson's Heirs' addition, being the northeast quarter of section 36, town 16, range 3 east, shown and defined by metes and boundaries in the plat and description of said addition as recorded in plat-book No. 3, page 46, in the Recorder's office of said county.

AND WHEREAS, The Common Council of the city of Indianapolis desires, in pursuance of the 84th section of the City Charter, to extend the corporate limits of said city over said additions. Therefore,

Resolved, That the foregoing named and described additions be, and they are hereby annexed to the city of Indianapolis, and the boundaries of said city are hereby extended so as to include said additions, which shall hereafter form a part of said city, and be within the jurisdiction of the same.

Which was adopted by the following vote:

Affirmative—Councilmen Brown, Harrison, Heckman, Locke,

Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Cottrell, Kennington, Reagan and Shepherd—4.

Mr. Cottrell presented the following petition:

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

GENTLEMEN: Your petitioners represent unto your honorable body that during the years 1867 and 1868 they were partners, doing business in the city of Indianapolis as gas fitters, under the firm name and style of Dunn & Karney; and they show that, as said firm in said business, they were possessed of personal property appertaining to said business, on the 1st day of January, 1867, in the sum of \$1,900, and on the 1st day of January, 1868, the sum of \$2,400; whereas they show that they have been taxed on personal property in said business for said years in the sum of \$5,000 for the year 1867, and the sum of \$3,900 for the year 1868, for city purposes. They farther represent, that these last named sums were given to the City Assessor, for the city of Indianapolis, by their book-keeper, one Geo. Murdock, Esq., without their authority or consent, and through his inadvertence and mistake. They say that the City Treasurer is asking your petitioners to pay tax on their said stock for said years on the bases of the last named sums; whereas they say that the first named sums are the true and correct amounts of property upon which they should be assessed. Wherefore, they petition your honorable body that the fair and reasonable deduction be made, so that they may pay only their just proportion of the taxes for said city for said years.

JOHN C. DUNN.
JOHN KARNEY.

State of Indiana, }
Marion County, } ss:

John C. Dunn and John Karney, being duly sworn, say, that the matters and things set forth in the foregoing petition are true and correct, as they verily believe.

Signed,

JOHN C. DUNN.
JOHN KARNEY.

Subscribed and sworn to before me, this 26th day of December, 1870.

Witness my hand and Notarial Seal.

[SEAL.]

JAMES P. BAKER,
Notary Public.

Which was referred to the Finance Committee.

Mr. Wiles introduced General Ordinance No. 71, 1870, entitled:

An Ordinance in regard to the removal of wooden buildings over bouldered or paved streets in the city of Indianapolis.

Which was read the first time.

Mr. Marsee introduced Special Appropriation Ordinance No. 74, 1870, entitled:

An Ordinance appropriating money to Wirth & Co. for estimate on Kentucky avenue sewer.

Which was read the first time.

Dr. Woodburn moved to suspend the rules for the purpose of reading the above ordinances the second and third times, and passing the same.

Which motion was adopted by the following vote:

Affirmative—Councilmen Harrison, Heckman, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Brown, Cottrell and Reagan—3.

The above ordinances were then read the second and third times and passed by the following vote:

Affirmative—Councilmen Harrison, Heckman, Kennington,

Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Brown, Cottrell and Reagan—3.

Mr. Wiles offered the following motion :

Moved, That the Committee on Judiciary and City Attorney be instructed to inquire into the expediency of reporting an ordinance providing for working prisoners and transient paupers.

Which was adopted.

Dr. Woodburn presented the following:

Weekly report of the City Hospital for the week ending December 24, 1870 :

Number of Patients in Hospital at last report.....	44
Number of patients received in Hospital since last report.....	13
Number of patients born in Hospital since last report.....	...
Number of patients discharged from Hospital since last report....	8
Number of patients died in hospital since last report
Number of patients remaining in Hospital at present report.....	49

E. HADLEY,

Superintendent.

Which was received.

Mr. Brown offered the following resolution :

Resolved, That the City Treasurer be instructed to retain in the City Treasury a sufficient amount of funds to pay the semi-annual interest on the bonds issued in aid of railroads, and other bonds issued by the city, which interest accrues during the months of January and February, 1871; and that such retention be made without any reference whatever to any appropriations of money heretofore, or to be hereafter, made by the Common Council.

Which was adopted by the following vote:

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Weaver, Thoms, Whitsit, Wiles and Woodburn—18.

Negative—None.

On motion, the Council adjourned.

DANILL MACAULEY,
Mayor.

ATTEST:

DAN. M. RANSDELL,
City Clerk.