

# PROCEEDINGS

OF THE

# COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL, }  
OF THE CITY OF INDIANAPOLIS, }  
*Monday, Jan. 23, 1871, 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, Newman, Pyle, Reagan, Thalman, Thoms, Weaver, Wiles and Woodburn—14.

Absent—Councilmen Locke, Marsee, Shepherd and Whitsitt—4.

The proceedings of the regular session held December 26, 1870, and of the special session held December 30, 1870, and of the regular sessions held January 2d and 16, 1871, were read and approved.

Dr. Woodburn introduced Special Appropriation Ordinance No. 3, 1870, entitled :

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

Which was read the first time.

Mr. Weaver introduced Special Appropriation Ordinance No. 4, 1871, entitled :

An Ordinance appropriating money for the payment of sundry claims on account of Station House or City Prison.

Which was read the first time, and referred to the Board of Police.

Dr. Woodburn introduced General Ordinance No. 1, 1871, entitled :

An Ordinance to extend the limits of the Third Ward in the City of Indianapolis.

Which was read the first time.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, Jan. 19, 1870.

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

The undersigned, citizens of that part of said city newly annexed thereto north of First street, respectfully petition your honorable body at once to take all proper steps to add to said city a new Ward,

to be called "Ward No. —," and that said Ward include all that portion of territory lately annexed to said city north of First street, running east to Meridian street, and west to ———; and we would ask that an enumeration of the citizens in said territory be at once ordered.

WINSLOW S. PIERCE,  
WM. S. HUBBARD,  
J. L. BARTLETT,  
FRANKLIN HALL,  
B. F. OWENS,

And 35 others.

Which was received.

Mr. Cottrell offered the following resolution :

WHEREAS, The School Houses in the Third and Seventh Wards are so small as to render it impossible to accommodate with seats only a small proportion of the number of school children residing in said wards : Therefore,

*Be it resolved.* That the Trustees of the Common Schools of the city of Indianapolis be, and they are hereby requested to immediately purchase the necessary grounds and arrange for erecting thereon school houses sufficiently capacious to meet the requirements of the school children residing in said Third and Seventh Wards.

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kennington, Newman, Pyle, Reagan, Thalman, Weaver, Wiles and Woodburn—13.

Negative—Councilman Thoms—1.

#### REPORTS FROM OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS. Jan. 23, 1871.

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

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

Helm & Russu, for building stone abutments for bridge  
at the crossing of New York street and the Canal—

222.78 yards masonry, at \$5.24 per cubic yard.....	\$1,167 36
196 cubic yards excavation in founda- tion, at 20 cents.....	39 20

Total estimate.....	\$1,206 56
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Deduct former estimate.....	1,025 65
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Present payment.....	\$180 91
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Also, H. B. Wellman, for building an Iron Bridge over Canal on New York street.....	\$2,950 00
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Respectfully,

R. M. PATTERSON,  
*Civil Engineer.*

Which was concurred in.

The City Clerk made the following report:

INDIANAPOLIS, Jan. 23, 1871.

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

GENTLEMEN—The City Clerk would respectfully report the follow-  
ing affidavits for the collection of street assessment by precept,  
to-wit:

Patterson & Dunning vs. W. P. and Mary E. Noble, for.....	\$110 62½
Richard Carr vs. The Junction Railroad Co., for.....	10 12

And would recommend that you order the precepts to issue.

D. M. RANSDALL,  
*City Clerk.*

Which was concurred in, and precepts ordered to issue.

The Chief Fire Engineer made the following report:

INDIANAPOLIS, Jan. 23, 1871.

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

GENTLEMEN—The Chief Fire Engineer would respectfully report  
that Dewey & Twiname be allowed an estimate on their contract for  
building the following cisterns:

One on the corner of East and Dougherty streets.

One on the corner of West and McCarty streets.

One on the corner of Merrill and Eekert streets.

One on the corner of Massachusetts avenue and Peru street.

Also, Preston Litton :

One cistern on the corner of Meridian and Second street.

One on the corner of Pine street and Forest avenue.

Respectfully,

DAN. GLAZIER,

*Chief Fire Engineer.*

Which was concurred in.

The City Attorney made the following report :

INDIANAPOLIS, Jan. 23, 1871.

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

GENTLEMEN—It is my duty to say to you, that the case of Mary A. Bruan vs. The City of Indianapolis, lately pending in the Marion Common Pleas, was tried by a jury, and on the 4th day January, 1871, a verdict was rendered for the plaintiff against the city for \$300. A motion for a new trial has been overruled by the court.

While I really believe that the verdict is wrong and contrary to the evidence, notwithstanding the jury made a personal inspection of the premises, where the injury was sustained, yet there was evidence tending to sustain the verdict, and in my opinion the Supreme Court would not disturb it.

I therefore recommend that the judgment be replevined and paid at the expiration of six months from the rendition thereof.

The action was brought to recover damages for injury sustained in stepping off of a culvert bridge on the north-east corner of New York and Bright streets.

J. S. HARVEY,

*City Attorney*

Which was concurred in.



Mr. Harrison presented the following report of the School Trustees:

INDIANAPOLIS, JAN. 23, 1871.

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

GENTLEMEN—The following is a statement of the receipts and expenditures of the School Funds for the three months ending Dec. 31, 1870:

Oct. 1, 1870—Tuition Fund on hand.....	\$34,982 70
Nov. 15, 1870—Tuition Fund received from County Treasurer.....	6,839 04
Total Fund on hand and received.....	\$41,821 74
Oct. 1, 1870—Special Fund on hand.....	7,006 55
Total Funds on hand and rec'd during the quarter.	\$48,828 29
Expended Special Fund in October.....	\$4,192 40
Expended Special Fund in November .....	4,781 61
Expended Special Fund in December .....	6,432 77
Expended Tuition Fund in October .....	9,662 12
Expended Tuition Fund in November .....	5,426 85
Expended Tuition Fund in December.....	5,410 55
Total School Funds expended.....	\$35,906 30
Jan. 1, 1871—Total School Funds on hand.....	\$12,921 99

Respectfully,

W. H. L. NOBLE, }  
JAMES C. YOHN, } *Trustees Public*  
JOHN R. ELDER, } *Schools.*

Which was received.

Mr. Harrison offered the following motion:

*Moved*, That the Street Commissioner be and he is hereby instructed to enlarge and deepen the drain known as the "Old State Ditch," from the south-east corner of the State Fair Grounds, at the intersection of said ditch with the Fall Creek Gravel Road, eastward through the north-east quarter of section 36, town 16, range 3 east, and the north-west and south-west quarters of section 31, town 16,

range 4 east, to a point north of the C., C., C. & I Railroad, near the center of said section 31, so as to properly drain the grounds in the vicinity of said ditch, the same to be done under the direction of City Civil Engineer.

Which was referred to the Committee on Streets and Alleys, and Civil Engineer.

Mr. Harrison offered the following motion :

*Moved,* That the precepts heretofore ordered against property of Henry H. Hutchins, Mary E. Noble and Charles G. French for assessments against them for grading and graveling East Market street be and they are hereby withdrawn.

Which was referred to the City Attorney.

Mr. Heckman offered the following motion :

*Moved,* That the City Attorney be and hereby is instructed to enter suit against the Cincinnati & Indianapolis Railroad Company, for the grading and graveling and protection wall on Louisiana street between East and Noble.

Which was adopted.

Mr. Kahn offered the following motion :

*Moved,* That the Committee on Revision of Ordinances prepare an ordinance regulating the sale of patent medicines in the streets of the city, and report at the next regular meeting.

Which was adopted.

Mr. Reagan presented the following petition :

INDIANAPOLIS, Jan. 23, 1870.

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

GENTLEMEN—We the undersigned, citizens living between West and Helen streets, on Maryland, would respectfully petition your honorable body to reconsider the action of Council granting a pre-

cept against George Buchter for the erection of lamp post on said Maryland street, for the following reason: That the lamp posts were not set according to plans adopted by the City Council; and would request that a select committee be appointed to investigate the same, and report at next meeting of the Council.

GEO. BUCHTER,  
 FRED. KLUMPP,  
 T. P. MIEKEL,  
 JACOB HOOVER,  
 DAVID McVEA,  
 SAM'L PARROTT,  
 And 9 others.

Which was referred to the Committee on Gas Light.

Mr. Reagan offered the following motion:

*Moved*, That the Chief of Police be instructed to at once cause the Ordinance forbidding that straw and rubbish be thrown on the streets of the city, to be enforced especially in regard to Tennessee street, near the crossing of Louisiana street, and that a copy of this resolution be handed to the Chief of Police.

Which was adopted.

Mr. Thalman introduced Special Appropriation Ordinance No. 5, 1871, entitled:

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

Which was read the first time.

Mr. Thalman presented the following remonstrance:

INDIANAPOLIS, Jan. 23, 1871.

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

The undersigned residents or property owners, in the vicinity of the crossing of Noble and Washington streets, respectfully ask your honorable body not to grant permission for the establishment of a



varnish manufactory at or near that locality, as the same would be both dangerous to neighboring property and offensive to the people.

CONRAD SHIALER,

DANIEL KILEY.

And 33 others.

Which was referred to the Committee on Fire Department.

Mr. Thalman presented the following bill :

INDIANAPOLIS, Jan. 23, 1871.

*City of Indianapolis.*

*To William Bernhamer, Dr.*

October, 1870—To work done as plastering on fourth floor of  
City Hospital..... \$4 00

STATE OF INDIANA. } *Set:*  
MARION COUNTY.

Wm. Bernhamer, on his oath says: That the above claim is just; that the same is due and unpaid, and that the above labor was performed by him and his employees.

Joseph Madden, on his oath says: That he assisted in performing the above labor while in the employ of said Bernhamer, and that the price demanded therefor is a reasonable one, and that work was done in a proper workmanlike manner.

WM. BERNHAMER,  
JOSEPH MADDEN.

Subscribed and sworn to before me this 5th day of January, 1871.

WILL. H. BERNHAMER,  
*Notary Public.*

Which was referred to the Committee on Accounts and Claims.

Mr. Thoms introduced Special Appropriation Ordinance No. 6, 1871, entitled :

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

Which was read the first time.

Mr. Wiles offered the following motion :

*Moved*, That the City Clerk be instructed to advertise for bids for the sale of the lot of ground belonging to the City situated on East Maryland street—payments to be made as follows: One-third cash at time of sale and balance in one and two years, equal sums each.

Which was adopted.

On motion, the Council adjourned.

DANIEL MACAULEY,

*Mayor.*

ATTEST :

D. M. RANSDELL,

*City Clerk.*