

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL }
OF THE CITY OF INDIANAPOLIS, }
Monday, March 13, 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, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Cottrell.

The proceedings of the regular session held March 6, 1871, were read and approved.

ORDINANCES ON FIRST READING.

Mr. Brown introduced special ordinance No. 7, 1871, entitled:

An Ordinance to provide for curbing with stone the outer edge of the north sidewalk of Georgia street, between Meridian and Pennsylvania streets, for grading said sidewalks and paving the same with the Leffer patent cement stone.

Which was read the first time.

General ordinance No. 2, 1871, providing for the working of city prisoners, being in order, was taken up and read. After being amended by striking out "seventy-five cents," and inserting "one dollar," the ordinance was ordered to be engrossed.

His Honor the Mayor presented the following invitation:

OFFICE OF THE CITY WATER WORKS.
Covington, Ky., March 7, 1871.

To the Mayor of Indianapolis, Ind.:

DEAR SIR—On the 15th of the present month there will be a public test of the Water Works recently completed under the "Holly system," in this city, to which a cordial invitation is extended to the officers of your city government, leaving this invitation open in your hands for the addition of such of your citizens as you desire to invite. As the same system is now under course of construction in your city, I should be pleased to meet such of your citizens as may be enabled to visit us on the occasion.

In the meantime, believe me, sir,

Your most obedient servant,

WM. C. WEIR.

Which was received.

ORDINANCES ON SECOND READING.

On motion the following ordinances were read the second time, and ordered to be engrossed:

Special ordinance No. 6, 1871.

Special ordinance No. 5, 1871.

Special ordinance No. 150, 1870.

Special ordinance No. 4, 1871.

Special ordinance No. 3, 1871.

Special ordinance No. 219, 1870.

General ordinance No. 54, 1870, to prevent loitering on sidewalks, street corners, etc., was referred to the Committee on Judiciary and City Attorney.

General ordinance No. 69, 1870, to protect the public against obstructions in or on the streets, sidewalks, alleys and other exposed places in the city of Indianapolis, was called up, and referred to the Committee on Revision of Ordinances, Mayor and City Attorney.

ORDINANCES ON THIRD READING.

Special appropriation ordinances Nos. 12, 14, 15 and 16, 1871, appropriating money for hospital and city prison, and for sundry claims, were read the third time, and passed by the following vote:

Affirmative—Councilmen Brown, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—none.

On motion, all street improvement ordinances were laid over, and their passage postponed for one month.

General ordinance No. 2, 1871, entitled:

An Ordinance providing for the working of city prisoners.

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

Affirmative—Councilmen Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—12.

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

General ordinance No. 4, 1871, entitled:

An Ordinance relative to placing a flagman at the intersection of Ohio and Winston streets,

Was called up, and referred to the Committee on Railroads.

On motion of Dr. Woodburn, the whole police force were instructed to assist the City Marshal to enforce the hog law, and the Street Commissioner directed to build a pound.

ROLL CALL.

Mr. Brown offered the following motion:

Moved, That the Committee on Revision of Ordinances prepare an ordinance for the protection of water plugs and other public hydrants.

Which was adopted.

Mr. Brown presented the following petition:

INDIANAPOLIS. March 13, 1871.

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

GENTLEMEN—We, the undersigned, owners of property on McCarty street, between the river and Tennessee street, respectfully represent that we wish the letting of the contract to grade and gravel McCarty street postponed until after the June freshets, as then it will be possible to get coarse gravel in the river or Pogue's Run, and, when let, to allow the contractor to use creek or river gravel.

J. H. MCKERNAN,
S. YANDES,
LEROY SHERMAN.

And 8 others.

Which was received.

Mr. Harrison offered the following motions :

Moved, That the Hon. Leon Kahn have leave of absence for three weeks.

Moved, That permission be and the same is hereby granted to Samuel Showalter to enter upon the sidewalk on Pine street, near the corner of Fletcher avenue and Pine street, for the purpose of removing the surplus earth which has accumulated after the grading of Pine street.

Which was adopted.

Mr. Heckman presented the following communication :

INDIANAPOLIS, March 13, 1871.

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

GENTLEMEN—Having a judgment against said city for damages to wheat and other property, said judgment being just and proper, and, as we fully believe, will be sustained in the higher court, we claim it as a right, aside from any legal obligations, that the city should pay the same ; but, to avoid delay and farther litigation, we hereby agree to release and receipt in full on payment of two-thirds of said judgment.

LAWYER & HALL.

Which was referred to a committee of five, composed of Messrs. Heckman, Marsee, Brown, Newman and Wiles, and City Attorney.

Mr. Heckman presented the following :

INDIANAPOLIS, March 9, 1871.

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

GENTLEMEN—We, the undersigned, having carefully examined into the matter of over-taxation of Dr. Homburg for the year 1869, find that the statement of Dr. Homburg, hereto attached, is correct and just, and that his claim, as set forth in his petition, ought to be allowed.

Very respectfully,

WM. HADLEY, *City Assessor*.

ROB'T S. FOSTER, *City Treasurer*.

By J. W. COONS, *Deputy*.

INDIANAPOLIS, Dec. 15, 1870.

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

GENTLEMEN—For the year 1869 I was assessed with \$8,475 personal property by the City Assessor, who made out the tax list of 1869 from the one of 1868, without my knowledge or consent. As I did not have that amount of personal property for taxation, and as I paid the tax of \$99.83 on the same under protest, I respectfully ask that all but the tax on \$1,815, with penalty, interest, etc., be refunded to me, this being the correct amount of personal property I owned for the year 1869, liable for taxation, making the amount due to me on account of erroneous taxation \$78.55, and I will ever pray, &c.

CH. HOMBURG.

Subscribed and sworn to before me this 15th day of December, 1870.

[SEAL.]

JOHN W. COONS,
Notary Public.

P. S.—The County Treasurer refunded to me the amount overpaid at his office.

Which was referred to the Finance Committee and City Assessor.

Mr. Kennington offered the following motion :

Moved, That the Street Commissioner be directed to remove the water pipes from the street in front of John H. Gruenert's house on South street.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That the Civil Engineer notify the contractor who is now planting shade trees in the Third and Fourth Wards that, unless the ordinance under which the contract was let is strictly fulfilled, and the trees well planted and having good and sufficient roots, they will be rejected; also, that the Civil Engineer or his assistant devote a

sufficient amount of his time to see that the trees are all right and properly planted.

Which was adopted.

On motion by Mr. Locke, Mr. Alfred Harrison was appointed City Forester, to serve without pay.

On motion, the City Attorney was instructed to report at next meeting of Council whether or not the law has been complied with in the case of the petition of Hetherington & Co. to vacate alley in out-lot No. 16.

Mr. Newman presented the following petition :

INDIANAPOLIS, March 13, 1871.

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

GENTLEMEN—We, the undersigned, respectfully represent that great inconvenience attends all the property owners in Davidson's Heirs' Second Addition, and the traveling public generally, for the want of suitable bridges across Pogue's Run, in the north-eastern part of the city. Therefore, your petitioners respectfully ask that you cause wooden bridges to be built across said Run on Dorman and Archer streets, and your petitioners will ever pray, &c.

GEORGE F. MILLER,
SAM'L C. VANCE,
EDWARD C. BRUNDAGE,
JOHN W. RAY,
And 15 others.

Which was referred to the Committee on Bridges.

Mr. Shepherd presented the following petition :

INDIANAPOLIS, March 13, 1871.

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

GENTLEMEN—We beg leave to call your attention to what we consider a violation of our rights. The St. Louis and Indianapolis Rail-

road have now three tracks on Georgia street, between West and Helen, occupying pretty much all of Georgia street between West and Helen. They keep these side-tracks occupied all the time with cars for the purpose of discharging freight and making up trains, which makes travel on said street unsafe and entirely unfit for use. Those living at the west end of Georgia street have no other direct outlet but Georgia street. We pray your honorable body will have said railroad remove these side-tracks, so that property owners on Georgia street, and the public, can have use of said street, which street we do not think belongs to the railroad exclusively, but to the public generally.

J. & C. FERGUSON & CO.
KINGAN & CO.

Which was referred to the Committee on Railroads.

Mr. Thalman presented the following petition :

INDIANAPOLIS, March 13, 1871.

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

GENTLEMEN—Your petitioner would respectfully represent that he is the owner of lots Nos. 6 and 7, in Ray's subdivision of out-lot 151, city of Indianapolis, Ind., and that he commenced, during last summer, building a residence and business house on lot No. 7, and had proceeded with his building to near one story in height when he was notified by the City Commissioners to stop building on said lot and remove the building then in progress to the adjoining lot, as the lot upon which the building was then started would be taken in the extension of Vermont street; that he proceeded, according to their orders and instructions, and removed the building and erected it on lot No. 6, adjoining; that he was much damaged, by extra labor, delay and loss of material, a statement and proof of which he presented to the City Commissioners; and in their report, made to the Council on the 30th day of January, 1871, the Commissioners reported an allowance for damages and removal of improvements in the sum of \$225, which was really only a small part of his damage; but he is willing, if this amount is now paid by the city, to accept it in satisfaction of his loss, outlay and damage. He would further show that he believes he is entitled to this amount without reference to the extension of Vermont street, having proceeded to tear down and remove his build-

ing under the direction of the City Commissioners, and he therefore prays the Council to grant him an allowance for said sum of \$225. He would respectfully refer to the said report of the City Commissioners, in Proceedings of the Council, page 875. That he understands that the contemplated opening of Vermont street extension has been abandoned by the Council, but believes that justice requires that he should have the above allowance, which is really a small part of his actual damage.

AMOS H. LINTNER.

Which was referred to the Committee on Claims.

Mr. Thoms offered the following motion :

Moved, That the Street Commissioner be directed to notify the Indianapolis, Peru and Chicago Railroad Company to open the culvert under their tracks on the west side of East street, between East Pearl street and the Union Railroad Company's tracks; said work to be done within twenty days from this date.

Which was adopted.

Mr. Whitsit offered the following motion :

Moved, That John Wands, Hiram Seibert, Samuel Seibert and Jacob Coffman be allowed to make sidewalk in front of their property on the east side of Greer street, the engineer to set the stakes; to be completed in sixty days.

Which was adopted.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, March 13, 1871.

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

GENTLEMEN — Your petitioner would respectfully represent that during last summer the first alley south of McCarty street was graded and graveled between Virginia avenue and out-lot 100, the grade being so fixed that the water is thrown to the center of the block, causing great damage to my property by the overflow of water. I would respectfully ask that the Council allow me the sum of fifty dollars for damage already done, and take some steps to remedy the evil.

P. T. MONAHAN.

Which was referred to the Committee on Streets and Alleys.

Dr. Woodburn presented the following :

INDIANAPOLIS, March 13. 1871.

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

GENTLEMEN—I would respectfully report to your honorable body that the West Market House is in a dangerous condition, so much so that citizens will not attend said market; and I would further state that all the gardeners and provision dealers in the city are anxious to have said house torn down, believing that a much larger patronage could be secured was the house not standing to deter people from attending. I therefore recommend that the house be torn away, and that we hold market in the open air. I would also recommend that in case your honorable body should think it wise to carry out the within recommendation, that the said market be made free for all.

Respectfully,

JAMES Y. MARDYCK,

Market Master.

Which was concurred in.

Dr. Woodburn offered the following motion :

Moved, That the Street Commissioner be instructed to notify Thomas Hutchins, contractor for planting shade trees on Illinois street from Ohio to Tinker street, to replace those that are now dead and dying with good trees, such as are specified in his contract, and if the same are not so replaced by the first day of April, 1871, that the City Attorney bring suit against said Hutchins and his surety, James W. White, for non-fulfillment of contract.

Which was adopted.

On motion, the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST :

D. M. RANSELL,

City Clerk.