

PROCEEDINGS

OF THE

COMMON COUNCIL

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, July 10, 1871, 7½ o'clock, P. M. }

The Common Council met in regular session.

Present—John S. Newman, President, *pro tem.*, of Council, in the chair, and the following members :

Councilmen—Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Reagan, Thalman, Thoms, Weaver, Whitsit and Wiles—15.

Absent—Councilmen Locke and Woodburn—2.

The proceedings of the regular session, held July 3, 1871, were read and approved.

Mr. Brown moved that the vote taken at last meeting, on the adoption of the report of the City Commissioners, in regard to the widening of Meridian street, etc., be reconsidered.

Which motion to reconsider was adopted.

Mr. Brown then moved that the report be adopted.

The question being on the adoption of the report, those who voted in the

Affirmative, were Councilmen Brown, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Whitsit and Wiles—10.

Negative—Councilmen Batty, Bigham, Cottrell and Weaver—4.

So, the report was not adopted, it requiring a two-thirds vote.

The sealed proposals were opened and read and referred to the Committee on Contracts.

Mr. Craft, from the Committee on Contracts, made the following report :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—Your Committee on Contracts, to whom was referred sundry proposals for constructing a sewer of cement pipe on Union street, from McCarty street to the Ray street sewer, have examined the same and find them to be as follows, to-wit :

John Richardson, \$1.25 per lineal foot run.

John A. Whitsit, \$1.18 per lineal foot run.

Indiana Cement Pipe Co., \$1.10 per lineal foot run.

The Indiana Cement Pipe Co. being the lowest and best bidder, we would recommend that they be awarded the contract.

For grading and paving with brick the south sidewalk on North street, from Meridian street to Tennessee street, are as follows, to-wit :

Hanway & Co., 65 cents per lineal foot front.

James Mahoney, 62 cents per lineal foot front.

James W. Hudson, 62½ cents per lineal foot front.

Thomas Roney, 61 cents per lineal foot front.

Sam. Lefever, 60 cents per lineal foot front.

O. H. P. Bly, 60 cents per lineal foot front.

R. P. Dunning, 58 cents per lineal foot front.

R. P. Dunning being the lowest and best bidder, we would recommend that he be awarded the contract.

Respectfully submitted,

W. H. CRAFT,
ROBERT KENNINGTON, } Committee.
JOHN L. MARSEE,

Which was concurred in and contracts awarded.

The City Clerk presented the contract and bond of the Indiana Cement Pipe Co., to lay cement pipe sewer on Union street, from the alley between McCarty and Ray streets, to the Ray street sewer.

Which was approved.

The City Attorney made the following report :

INDIANAPOLIS, IND., June 10, 1871.

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

Gentlemen—The petition of Thomas A. Hendricks, presented to the Council on the 8th of May, last, was referred to me for opinion as to the power of the City Council to grant the relief asked.

The City Charter, Sec. 84, expressly empowers the Common Council, where lots have been laid off and platted, adjoining such city, and a record of the same is made in the Recorder's office, to, by resolution, extend the boundary of such city so as to include such lots; and the lots thus annexed shall thereafter form a part of such city, etc. But there is no provision whereby lots once annexed, may be excluded from the city limits. And I am of opinion that after the

resolution of annexation may have been executed by practically extending the city government over the same, there is no power in the Council to revoke or modify the resolution of annexation. But I understand that in respect to the property or lots mentioned in the petition, the case stands simply upon the resolution without subsequent action on the part of the Common Council, so that if the same was excluded from the city limits, everything connected therewith would be same as if the resolution had never been adopted. I am therefore of the opinion that the resolution may be modified as asked by the petitioner.

In regard to the question raised in the petition, whether territory subdivided in the manner described in the petition may be annexed, I am of the opinion that the 84th Sec. of the Charter provides for such annexation.

Respectfully submitted,
 J. S. HARVEY,
 City Attorney.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—The City Clerk would respectfully report that there is on file in his office, the following affidavits for the collection of street assessment by precept :

John T. Macauley vs. S. R. Youart, for \$116 30.

John T. Macauley vs. Amelia J. Coyner, \$108 15.

And would respectfully recommend that you order the precepts to issue.

Respectfully submitted,
 JOHN R. CLINTON,
 City Clerk.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—In pursuance of an ordinance passed by your honorable body, June 5, the City Clerk would respectfully report the unex-

pended balance of each appropriation made at that date, and the amount drawn on said appropriation, and the amount remaining of each, July 1, 1871.

	<i>Amount Appropriated.</i>	<i>Am't Exp'd.</i>	<i>Am't Unexp'd.</i>
For sewers	\$150,000 00	\$24,493 00	\$125,506 19
For bonds paid.....	100,000 00	100,000 00	
For gas	50,000 00	5,959 14	44,040 85
For police	35,000 00	2,732 75	32,267 25
For street improvement	30,000 00	154 20	29,845 80
For Fire Department.....	30,000 00	2,742 04	27,259 96
For engine houses.....	30,000 00	1,750 00	28,250 00
For street repairs.....	25,000 00	2,370 11	22,629 89
For salaries.....	25,000 00	4,891 34	20,108 66
For bridges	20,000 00		20,000 00
For interest on bonds.....	12,226 94	12,226 94	
For school funds.....	9,000 00	9,000 00	
For percentage.....	7,000 00		7,000 00
For hospital.....	7,000 00	1,753 88	5,246 12
For print., books, stationery...	7,000 00	925 05	6,074 94
For donations.....	6,000 00		6,000 00
For cisterns	3,000 00	431 25	2,568 75
For station house	2,500 00	360 25	2,139 75
For damages.....	2,000 00	225 00	1,775 00
For rent.....	2,000 00	500 00	1,500 00
For parks	1,500 00	34 30	1,465 70
For incidental	1,000 00	198 94	801 06
For assisting City Assessor....	1,000 00	292 50	707 50
For real estate.....	1,500 00		1,500 00
For assisting Civil Engineer...	2,000 00	240 00	1,760 00
For elections.....	725 00	725 00	
For City Commissioners.....	600 00		600 00
For fuel	600 00	67 75	532 25
For tax refunded.....	500 00	54 93	445 07
For costs	300 00		300 00
For Bobbs Dispensary.....	600 00	150 00	450 00
For markets.....	500 00	10 00	490 00
For pest house.....	200 00		200 00

	<i>Amount Appropriated.</i>	<i>Am't Exp'd.</i>	<i>Am't Unexp'd.</i>
For posting bills.....	150 00	24 00	126 00
For Board of Health.....	150 00		150 00
For ice.....	75 00		75 00
	\$564,126 94	\$172,313 19	\$391,813 75

Respectfully submitted,

JOHN R. CLINTON,

City Clerk.

Which was received.

An execution for costs in the case of James H. McKernan vs. J. W. Robinson and the city of Indianapolis, was presented and referred to the City Attorney.

CALL OF THE ROLL FOR THE PRESENTATION OF PAPERS, ETC.

Mr. Kennington presented the following petition :

INDIANAPOLIS, July 10, 1871.

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

Gentlemen—The undersigned, residents or property owners on Meridian street, between Circle and Pearl streets, respectfully represent that the number of express wagons standing on that portion of said street, is greatly in excess of the wants of the community for that kind of transportation, and very annoying to residents on said street, and persons having business to transact in that locality ; besides, keeping the street in a filthy condition.

Wherefore, the undersigned respectfully ask your honorable body to enact that no express wagon, unless in the act of loading or unloading, shall stand in front of any entrance to any place of business, or in less than one hundred feet of any other express wagon ; or for some other proper relief.

And your petitioners will ever pray, etc.

R. J. BRIGHT & CO.,
JOHN H. HOLLIDAY,
TRAVER & CLOSE,
WM. H. ENGLISH,

And 32 others.

Which was referred to the Committee on Revision of Ordinances.

Mr. Marsee offered the following motion :

Moved, That the Chief Fire Engineer be authorized to put the extra hose reel into service, with a driver and four hosemen, in accordance with his report.

Which was adopted.

Mr. Marsee offered the following motion :

Moved, That the Committee on Contracts inquire and report to this Council, whether anything is due, Mrs. Lang, for driving through her land to the dead animal lot.

Which was adopted.

Mr. Marsee offered the following motion :

Moved, That as the Peru & Chicago R. R. Co., having failed and refused to raise their tracks to the proper grade where the same crosses South East street, within thirty days from the adoption of a resolution by the Common Council, requiring said Company to so raise said tracks, nor within thirty days from the time of the service of a copy of said resolution on the president of said Company, by reading, the Street Commissioner of the City of Indianapolis, is hereby directed to forthwith cause said tracks to be raised as required in said resolution, under the direction of the City Engineer, doing no unnecessary damage to said Company, and that the expense thereof be collected of said Company by the City.

Which was adopted.

Mr. Reagan offered the following motion :

Moved, That Hanway & Rubush, be, and are hereby, ordered to continue the bowldering to the west side of Tennessee and Louisiana streets, as it is very essential to public travel on that side of the street, to have it done, and that the Civil Engineer order stone crossings on said streets, one running north and south and the other east and west.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That Aaron Rozier be allowed to put up a wooden awning in front of his grocery, corner Vermont and Blackford streets.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That S. W. Hannaman be allowed to pave with brick the sidewalk in front of his property, on south side of Michigan street, between west and California streets, said work to be done at his own expense, and under the direction of the Civil Engineer, within 60 days from this date.

Which was adopted.

Mr. Thalman introduced Special Ordinance No. 71, 1871, entitled :

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

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 72, 1871, entitled :

An Ordinance to provide for grading and paving with brick the south sidewalk of Michigan street, between Missouri and California streets.

Which was read the first time.

Mr. Thalman offered the following motion :

Moved, That the Street Commissioner be directed to remove the debris left by him at the crossing of Mississippi and Market streets, at the outlet of the culvert.

Which was adopted.

Mr. Thoms offered the following motion

Moved, That Wm. H. Keely be, and he is hereby, granted permission to grade and pave with brick the sidewalks in front of his property on East street, the same to be done under the direction and to the satisfaction of the City Civil Engineer, who is hereby instructed to set the grade stakes, the same to be done in sixty days.

Which was adopted.

Mr. Thoms moved to reconsider the vote by which the motion instructing the Street Commissioner to raise the tracks of the I. P. & C. R. R. Co., where the same crosses East street, was adopted.

The question being on the motion to reconsider, those who voted in the

Affirmative were Councilmen Newman, Thoms, Weaver and Wiles—4.

Negative — Councilman Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Reagan, Therman and Whitsit—12.

So the motion to reconsider was not adopted.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, July 10, 1871.

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

Gentlemen—The undersigned, owners of the real estate fronting on Hosbrook street, between Grove street and corporation line, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of the above street, between the points named.

And your petitioners will ever pray, etc.

GEORGE GRAY,
PETER ROUTIER,
SAM. GILBERT,

And 5 others.

Which was received.

Mr. Whitsit introduced Special Ordinance No. 73, 1871, entitled:

An Ordinance to provide for grading and graveling Hosbrook street and sidewalks, between Grove street and the corporation line.

Which was read the first time.

Mr. Whitsit presented the following petition:

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—The undersigned, owner of the real estate fronting on the first alley west of Virginia avenue, between Stevens street and the first alley north of Stevens st., respectfully petitions your honorable body to pass an ordinance providing for the grading and graveling of the above named alley.

And your petitioner will ever pray, etc.

FRED. JASPER.

Which was received.

Mr. Whitsit introduced Special Ordinance No. 74, 1871, entitled:

An Ordinance to provide for grading and graveling the first alley west of Virginia avenue, and running north and south from Stevens street to the first alley north of Stevens street.

Which was read the first time.

Mr. Whitsit offered the following motion:

Moved, That Samuel Kane and C. Zimmerman, be allowed to grade and gravel the alley lying between Lots 12 and 13, in Coffman's subdivision of out-lot 101, and that the Engineer be instructed to set the grade stakes.

Which was adopted.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—The undersigned would respectfully petition your honorable body to have the mouth of the sewer which drains Virginia avenue, from my lots to Virginia avenue, on East street, moved to the alley just northeast of my property, as I am filling my lots up to the grade of East street, which, when done, will obstruct the flow of said water, unless the change asked for is made.

And your petitioner will ever pray, etc.

M. E. DOWNEY.

Which was referred to the Committee on Sewers.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—The undersigned, one of the petitioners for the graveling of East street, from Washington street to South street, with pit gravel, desires to state a majority were induced to sign that petition, not that they believed a necessity existed for the improvement at this time, but it was represented to them the expenses would be light, and such a course would be a sure means of getting a regular grade from Washington street to South street. This object not being accomplished, he respectfully asks that the improvement be postponed for the present, so that when made the grade may be uniform, and the street bowldered from Washington street to South street, as he verily believes a majority of the property-holders on the street would prefer paying the additional expense between the present ordinance and bowldering, this he feels assured can be proven if time is given to canvass the street again.

And your petitioner will ever pray, etc.

SAMUEL P. DANIELS.

Which was received.

Mr. Wiles presented the following petition :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—The undersigned respectfully petition your honorable body to have Tinker street widened on the north side, from a point commencing at the west line of Allen & Root's addition, to the east line of W. H. Morrison's addition.

And your petitioners will ever pray, etc.

J. E. LUDLUM,
B. C. WRIGHT,
JOHN DARBY,
A. J. DANFORTH,

And 4 others.

Which was received and City Clerk instructed to notify the City Commissioners and property-holders.

Mr. Wiles presented the following communication :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—As a property-owner on Christian avenue, I would like to have the Marshal or some other man, instructed to number the houses on that avenue correctly, beginning at Western avenue. All sorts of methods are now fashionable along that street, and every other land-owner has adopted a different system. Even numbers have been impartially distributed on both sides of the street, and the odd numbers are scattered in the same reckless profusion.

Seriously, it is very annoying to be unable to tell people where you live, and several of us want the ordinance now on the statute book put into force by somebody who knows how to do it, is willing to do it, and has the authority.

In behalf of several sufferers,

C. P. JACOBS.

Which was received.

Mr. Wiles offered the following motion :

Moved, That the Water Works Company be permitted to locate fire plugs at the alley crossings on Walnut and St. Clair streets, between Alabama and New Jersey streets ; also, one at the alley crossing on Walnut street, between Delaware and Alabama streets.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Craft, Heckman, Newman, Thalman, Thoms, Weaver and Wiles—9.

Negative—Councilmen Brown, Cottrell, Gimber, Kennington, Marsee, Reagan and Whitsit—7.

Mr. Wiles offered the following motion :

Moved, That the Market Master be, and is hereby, authorized to retain for his own use and benefit, all fees received, or to be received, on account of outside collections, as provided by ordinance passed June 11, 1869.

Which was referred to the Committee on Markets.

Mr. Wiles called up the order of vacation presented at last meeting, in regard to the vacation of Oliver street, from Tinker street to Northwood street.

Which was approved and vacation ordered by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Craft, Gimber, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Whitsit and Wiles—14.

Negative—Councilman Cottrell—1.

M. Brown offered the following motion :

Moved, That Fred. Smith be permitted to pave with brick, the south sidewalk of Vermont street, from the corner of Mississippi st., 120 feet west to the first alley, the width of nine feet, to be done under the direction of the Civil Engineer; the same to be completed in 60 days.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, IND., July 10, 1871.

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

Gentlemen—In letting the contract for paving west side of Meridian street, between Second and Tinker streets, I would respectfully petition your honorable body to omit the 215 feet in front of my premises, since it is my purpose to build a stone fence in front of said premises, and may decide to pave with stone at my expense.

And your petitioner will ever pray, etc.

J. C. CONDIT.

Which was referred to the Committee on Streets and Alleys.

Mr. Craft introduced Special Ordinance No. 75, 1871, entitled :

An Ordinance to provide for grading and paving with brick the north sidewalk of North street, between Delaware and Alabama streets.

Which was read the first time.

On motion, the Council adjourned.

DANIEL MACAULEY.

Mayor.

ATTEST :

JOHN R. CLINTON,

City Clerk.