

PROCEEDINGS  
OF THE  
COMMON COUNCIL

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, November 20, 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 Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—None.

The proceedings of the regular session held November 20th, 1871, were read and approved.

Proposals for "cast iron foot crossings" were received, opened, read and referred to Committee on Contracts.

The Committee on Contracts made the following report:

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—Your Committee on Contracts, to whom was referred sundry proposals for various street improvements, have examined the same, and find the following named persons to be the lowest and best bidders, and would recommend that the contracts be awarded as follows, to-wit :

FIRST.

For grading and graveling Tinker street and sidewalks, from the east side of Meridian to the east line of the wide portion of Illinois street, to James Mahoney, at eighty cents per lineal foot front on each side of the line improved.

SECOND.

For grading and graveling Tinker street and sidewalks from the east line of the wide portion of Illinois street, to the Michigan road or Central Canal, to J. J. Palmer, at sixty-nine cents per lineal foot front on each side of the line improved.

THIRD.

For grading and graveling Tinker street and sidewalks, from the east side of Meridian street to the south-west corner of W. H. Talbott's property, to James Mahoney, at eighty-five cents per lineal foot front on each side of the line improved.

FOURTH.

For grading and graveling Tinker street and sidewalks, from the south-east corner of W. H. Talbotts property to the east side of Western avenue or Fall Creek gravel road, to Samuel Hanway & Co., at ninety-two cents per lineal foot front, on each side of the line improved.

FIFTH.

For grading and graveling Alabama street and sidewalks from the north side of St. Mary street to the north side of Morrison street, to

J. J. Palmer at eihgty-five cents per lineal foot front, on each side of the line improved.

## SIXTH.

For grading and bowldering the street and curbing, the outside edges with stone, East street, from Washington street to Pogues Run, to George W. Buchanan at two dollars and thirty-seven cents per front foot on each side for bowldering, and fifty-seven cents on each side for curbing.

## SEVENTH.

For grading the first alley west of Virginia avenue, running from East street through out-lot 102 to Merrill street, to tGeorge W. Buchanan, at nine and three quarter cents per lineal foot front on each side of the line improved.

## EIGHTH.

For grading and graveling the first alley north of Ohio street, and running east and west from Davidson to Winston street, to David Sylvester at twenty-two cents per lineal foot front on each side of the line improved.

## NINTH.

For grading and graveling Michigan street and sidewalks from Blackford to Blake street, to Patterson and Dunning at one dollar and twenty cents per lineal foot front on each of the line improved.

## TENTH.

For grading and graveling the west sidewalk on New Jersey street, between Merril and McCarty streets, to Hiram Seibert, at twenty-seven and one half cents per lineal foot front on the line improved.

## ELEVENTH.

For grading and paving with brick the east sidewalk on Virginia avenue from East to New Jersey streets, and repairing that already laid down, at sixty cents per lineal foot front for the new pavement, and twenty dollars for repairing the old now down on the line proposed to be improved, to Edward Wessert.

## TWELVTH.

For grading and graveling Greer street and sidewalks, from Stevens to McCarty street, there was no proposals presented, we therefore recommend that the same be readvertised.

## THIRTEENTH.

For grading and paving with brick the north sidewalk on Huran street, from Virginia avenue to Noble street, to R. P. Dunning at sixty-five cents per lineal foot front on the line improved.

## FOURTEENTH.

For grading and paving with brick the north sidewalk on New York street, from Indiana avenue to Mississippi street, to Edward Wessert at sixty cents per lineal foot front on the line improved.

## FIFTEENTH.

For grading and paving with brick, and curbing the outside edges with Flat Rock stone, the east sidewalk on New Jersey street, from Washington street to Pogues Run, to James K. Frost at sixty cents per front foot for paving, and fifty-three cents per front foot for curbing.

## SIXTEENTH.

For grading and paving with brick the sidewalks on South street, from Noble to East street, to R. P. Dunning, at sixty-five cents per lineal foot front on each side of the line improved.

## SEVENTEENTH.

For grading and graveling the alley running north and south from Buchanan to Daugherty street, between lots 176, 177, 140 and 141, in Daugherty's subdivision of outlot No. 99, to Huffington & Foust, at  $24\frac{1}{2}$  cents per lineal foot front on each side of the line improved.

## EIGHTEENTH.

For grading and paving with brick the sidewalks on Fletcher avenue, from Noble to Cedar street, to R. P. Dunning, at sixty-five cents per lineal foot on each side of the line improved.

Respectfully submitted,

W. H. CRAFT,  
ROBERT KENNINGTON,  
JOHN L. MARSEE,  
Committee on Contracts.

Which was concurred in, with the exception of the seventeenth paragraph.

Also, the following report:

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—Your Committee on Contracts, to whom was referred sundry proposals for planting and boxing shade trees on the following named streets, have examined the same, and find them to be as follows, to-wit :

On Pine street, from Virginia avenue to Harrison street.

On Huron street, from Virginia avenue to the corporation line east.

On Elm street, from Noble street to the corporation line east.

On South street and Fletcher avenue, from East to Cedar street.

On Hosbrook street, from Cedar street to the corporation line east.

On Daugherty street, from East street to Virginia avenue.

On Buchanan street, from East street to Virginia avenue.

Samuel LeFevre, \$2.48 per box and tree included.

Bernard Hamil, \$2.25 per tree, and box included.

Bernard Hamil being the lowest and best bidder, we would recommend that he be awarded the contract.

Respectfully submitted,

W. H. CRAFT,  
ROBERT KENNINGTON,  
JOHN L. MARSEE,  
Committee on Contracts.

Which was concurred in!

The City Sewerage Engineer made the following report :

INDIANAPOLIS, Nov. 27, 1871.

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

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

1530 feet of sewer, at \$22.32.....	\$34,149 60
2 manholes, at \$42.13.....	84 26
1 catch basin.....	122 25
60 house connections, at \$1. ....	60 00
	<hr/>
	\$34,416 11

Less 15 per cent .....	5,162 42
	<hr/>
	\$29,253 60
Less former payments.....	19,911 40
	<hr/>
Third payment.....	\$9,342 29
Respectfully submitted,	
J. W. BROWN,	
Sewerage Engineer.	

Which was concurred in.

His Honor the Mayor offered the following motion :

*Moved* : That the City Clerk be instructed to have all the General Ordinances now in force, passed since the compilation of 1869, printed in pamphlet form, in the order in which they were passed, without indexing the same, and that 250 copies thereof be printed and bound in paper for the use of the Common Council and officers of the city.

Which was adopted.

The City Marshal presented the following communication :

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMAN:—At the request of the Mayor and City and State Prosecutors, I have appointed Charles E. Harris, Deputy Marshal, for the purpose of making collections on the City and State Dockets prior to May 1871. I most respectfully ask your honorable body to confirm the appointment.

THOMAS A. AMOS,  
Marshal.

Which was received, and the appointment unanimously confirmed.

Mr. Reagan called up the contract and bond of John Richardson, for building two stone arches for bridges over Pogues' Run, on Mississippi street.

Which was accepted and approved.

Mr. Locke from the Committee on Bridges, made the following report :

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—Your Committee on Bridges, to whom was referred the bids for the construction of an iron bridge or via-duct, over the railroad tracks at their crossing on Delaware street, beg leave to report that they find the bid of the "Massileon Wrought Iron Bridge Co." to be the lowest, viz. thirty-four dollars and fifty cents (\$34.50) per lineal foot for the entire construction, we therefore recommend that the contract be awarded to them for the construction of said work, according to plans and specifications to be furnished by the Civil Engineer.

The bond and contract is herewith submitted for your approval.

ERIE LOCKE,  
W. H. CRAFT,  
H. GIMBER,  
Committee.

Mr. Thalman offered the following motion :

*Moved :* That the cost of said bridge shall not exceed \$23,000.

Which was laid on the table.

Mr. Thoms offered the following motion :

*Moved :* That the Mayor appoint a Special Committee to ascertain what damage the city would have to pay by a compromise with the property owners on Delaware street.

Which was laid on the table.

Mr. Brown offered the following motion :

*Moved*; That the City Clerk give four weeks notice that proposals will be received for the construction of an iron viaduct under the ordinance heretofore passed, authorizing the construction of an iron viaduct over the railway tracks on Delaware street, and that all bids be accompanied by plans and specifications, or by reference to plans heretofore submitted.

Mr. Cottrell moved to amend by inviting bids for the construction of a tunnel, either of iron, stone, or brick.

Which was adopted.

Mr. Brown's motion as amended was then adopted.

Mr. Brown moved to take up the motion of Mr. Wiles, offered at last meeting of the Council, which contemplated the reconsideration of the vote, by which General Ordinance No. 41, 1871, was passed.

Which was adopted and Mr. Wiles motion taken up.

Mr. Brown then moved to lay the motion to reconsider on the table.

Which was adopted.

#### ORDINANCES ON FIRST READING.

Dr. Woodburn introduced Special Ordinance No. 172, 1871, entitled :

An Ordinance to provide for lighting with gas Henderson street, from Tinker street to Wm. Sheets' residence.

Which was read the first time and referred to the Committee on gas.



Mr. Whitsit offered the following petition.

INDIANAPOLIS, Nov. 27, 1871

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

GENTLEMEN—The undersigned, owners of the real estate fronting on the first alley north of Bradshaw street, from the first alley west of Holmes street to Virginia avenue, respectfully petition your honorably body to pass an ordinance providing for the grading and graveling the above named alley between the points named, according to stakes to be set by the Civil Engineer. And your petitioners will ever pray, &c.

WM. WARRENBERG,  
HENRY RODEWALT,  
CARLE LANG,  
JOHN KOBREN,

And 5 others.

Which was received.

Also, Special Ordinance No. 173, 1871, entitled :

An Ordinance to grade and gravel the first alley north of Bradshaw street, from the first alley west of Holmes street to Virginia avenue.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 174, 1871, entitled :

An Ordinance to light with gas Blackford street, from Washinton to North street.

Also, Special Ordinance No. 175, 1871, entitled :

An Ordinance to light with gas Fayette street, from North to St. Clair street.

Which were read the first time and referred to the Committee on gas.

Mr. Locke introduced Special Ordinance No. 176, 1871, entitled:

An Ordinance to light with gas "Military Park."

Also, Special Ordinance No. 177, 1871, antitled:

An Ordinance to light with gas California street, from Vermont street to Indiana avenue.

Which were read the first time and referred to the Committee on gas.

Mr. Newman presented the following remonstrance:

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—We the undersigned property holders and residents on Vermont street, between Liberty and Noble streets, do hereby enter our earnest protest against the laying of pipe on said street for gas purposes.

H. RICKHOFF,  
GEORGE STEDEL,  
L. W. HOLT,  
J. F. RASENER,

And 4 others.

Which was referred to the Committee on gas, together with the Ordinance providing for the lighting with gas said street.

On motion the rules were suspended for the purpose of calling the roll of members for the introduction of new business.

Mr. Whitsit offered the following motion:

*Moved:* That J. Quizer be allowed to erect a covering over the

front of his store room on Virginia avenue, similar to the one in front of the Academy of Music.

Which was adopted.

Mr. Heckman presented the following petition:

INDIANAPOLIS, Nov. 27, 1871.

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

GDNTLEMEN—Your petitioners would respectfully show to your honorable body that, on the 16th day of October, 1871, in the case of Fredrick Guasburgh, Wm. Cook, et. el. vs. the Common Council of the city of Indianapolis, Fredrick Thoms, et. al. The Marion Civil Circuit Court, on said day, made, in said case, the following order, judgment, and decree:

“The Court does order, adjudge, and decree, 1st. That the order made by said Common Council, on the 8th day of June, 1870, for the vacation of the first alley south of Pogues’ Run, running east and west through out-lot or block 85, from East to Liberty street, in the city of Indianapolis, and all proceedings had by said Common Council under the petition of said defendants, Thomas Speigle et. al., of March 24th, 1870, set forth in said complaint, (being the complaint of the plaintiff in the suit above named) were and are null and void, and conferred no power or authority on any of said defendants to enclose or otherwise obstruct the free passage of the public through or upon said alley.

2d. That the defendants, and each of them, are perpetually enjoined from fencing up, enclosing, or in any other manner obstructing the free public use of said alley, under any supposed or pretended authority based upon the aforesaid action of said Common Council,” etc.

Your honorable body having “exclusive power over the streets and alleys,” etc., within said city of Indianapolis, having been perpetually enjoined by the decree above set out, from in any manner obstructing the free public use of said alley; and not having appealed from said decree of said Civil Circuit Court, and said alley now being obstructed to the great inconvenience and injury of your petitioners, they would respectfully ask your honorable body to order the City Marshal to remove all obstructions from said alley,

that the free public use of the same may no longer be obstructed, and your petitioners will ever pray, etc.

WILHELM COOK,  
GEO. W. HILL,  
JOHN MORAN,  
FRED COOK,

And 12 others.

Which was received and prayer of petitioners granted, and the City Marshal instructed to open the alley.

Mr. Batty presented the following remonstrance :

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—The undersigned owners of the real estate fronting on the east side of East street, between Massachusetts avenue and St Clair street, respectfully remonstrate against the passage of an ordinance providing for the grading and paving with brick the east sidewalk of East street, between Massachusetts avenue and St. Clair Street, owing to the lateness of the season and the advanced price of materials. And your petitioners will ever pray, etc.

D. G. CALE,  
ROBERT B. BARBEE,  
A. J. FISCUS,  
WM. S. FISH,

And 4 others.

Which was referred to the Committee on streets and alleys, together with the ordinance providing for the improvement of such street.

Also, the following motion :

*Moved:* That Joseph Sephus be permitted to move a frame house from north Pennsylvania street to Davidsons addition.

Which was adopted.

Also, the following petition :

INDIANAPOLIS, Nov. 27, 1871.

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

GENTLEMEN—The undersigned respectfully petition your honorable body to pass an ordinance for the vacation of the street extending east from the gravel road to Oliver street, between lots fourteen and fifteen, in Johnson's heirs addition to the city of Indianapolis. Your petitioners are the owners of all the real estate on both sides of said street. And your petitioners will ever pray, etc.

TILLMAN A. H. JOHNSON,  
PETER GOTH,  
MARIA L. FILER,  
S. J. FILER.

Which was referred to the Committee on streets and alleys.

Mr. Bigham offered the following motion :

*Moved:* That Deloss Root & Co., have permission to put down one pair three ton scales on South street, between the Madison track and Pennsylvania street.

Which was referred to a Select Committee composed of the Councilman from the 6th ward and Mr. Bigham.

Mr. Brown offered the following motion :

*Moved:* That the Treasurer and Printing Committee be instructed to advertise the Delinquent Tax list only in the official papers of the city—the Daily Evening Commercial and the German Telegraph.

Which was adopted.

Mr. Gimber offered the following motion :

*Moved:* That Mr. Carlisle be allowed to erect a scale in front of his mill on Maryland street.

Which was adopted.

Mr. Kennington offered the following motion:

*Moved:* That the City Marshal and the Chief of Police, and all of Police Force be instructed to enforce the ordinances prohibiting boys from throwing stones and climbing on cars.

Which was adopted.

Also, the following motion:

*Moved:* That the Street Commissioner be directed to repair the crossing of Meridian and South streets with boulders.

Which was adopted.

Mr. Thalman offered the following motion:

*Moved:* That the City Marshal notify Mrs. Kennedy to move her fence out of an alley in the rear of No. 340, Indiana avenue, to a line of her property, complaint being made that said fence now obstructs the said alley.

Which was adopted.

Mr. Weaver offered the following motion:

*Moved:* That the Street Commissioner be and is hereby directed to place stone crossing on Illinois street, on the crossings of New York and Vermont streets.

Which was adopted.

Mr. Wiles offered the following motion:

*Moved* : That the Civil Engineer be instructed to report the most feasible plan for draining that portion of the city at and near the crossing of Christian avenue and Bellefontain street. Also report estimated cost of same.

Which was adopted.

His Honor, the Mayor, offered the following motion :

*Moved* : That the Council at the next regular meeting elect the five (5) "Inspectors of Public Halls," required by an ordinance passed November 13, 1871.

Which was adopted.

On motion the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST :

JOHN R. CLINTON,

City Clerk.