

PROCEEDINGS
OF THE
COMMON COUNCIL

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, January 29, 1872, 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, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Absent—Craft and Gimber—2.

The proceedings of the adjourned session held January 24th, 1872, were read and approved.

REPORTS FROM OFFICERS.

The Sewerage Engineer made the following report:

INDIANAPOLIS, January 29, 1872.

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

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

2,290 lineal feet sewer, \$22.32.....	\$51,112 80
3 manholes.....	126 39
1 catch basin.....	122 25
95 house connections.....	95 00
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	\$51,456 44
Less 15 per cent.....	7,718 47
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	\$43,737 97
Less former payment.....	36,480 05
	<hr/>
Fifth payment.....	\$7,257 92

Respectfully submitted,

J. W. BROWN,

Sewer Engineer.

Which was concurred in.

The City Clerk made the following report:

INDIANAPOLIS, January 29, 1872.

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

GENTLEMEN—The City Clerk would respectfully report, that there is now on file in his office, affidavits for the collection of assessments by precept, to-wit:

R. P. Dunning vs. John Matthers heirs.....	\$111 14
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D. Root & Co. vs. Wm. Sheets.....	30 56
“ “ “ “ “	30 56

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,
 JNO. R. CLINTON,
 City Clerk.

Which was concurred in, and precepts ordered to issue.

The City Clerk made the following report :

INDIANAPOLIS, Jan. 29, 1872.

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

GENTLEMEN--The City Clerk would respectfully report

FIRST.

Contract and bond of Patterson and Dunning, for taking up and relaying the pavement on the south side of New York street, from Tennessee street to a distance of one hundred feet west of Tennessee street.

SECOND.

Contract and bond of Patterson and Dunning, for grading and grading Locke street and sidewalks, from Indiana avenue to Margaret street.

THIRD.

Contract and bond of James W. Hudson, for grading and paving with brick the east sidewalk of Alabama street, from Walnut street to Fort Wayne avenue.

Respectfully submitted,
 JOHN R. CLINTON,
 City Clerk

By consent, Mr. Bigham offered the following motion :

Moved: That the Special Committee on Tunnels have further time.

Which was adopted

Mr. Marsee, from the Committee on Sewers, reported back General Ordinances Nos. 4 and 5, 1872, and recommended their passage.

Which was concurred in.

Mr. Brown offered the following preamble and resolution :

WHEREAS, this Council has learned with deep regret of the death of Col. Norman Eddy, Secretary of State, a worthy and faithful public servant, therefore

Resolved, That as a mark of respect for the memory of the deceased, the Mayor, Common Council, city officers and Police Force will attend in a body at the late residence of the deceased, and accompany the remains to the Union Depot at the time fixed for their removal to-morrow afternoon.

Which was received and unanimously adopted.

Mr. Bigham moved to reconsider the vote by which the last paragraph of the report of the Committee on Contracts, made to Council January 24th, 1872, and concurred in, and contracts awarded for placing names of streets on street lamps.

Which motion was adopted, and matter postponed for one week.

ORDINANCES ON SECOND READING.

General Ordinance No. 5, 1872, entitled :

An Ordinance providing for the construction of a public sewer in and upon Illinois street, from the northern terminus of Kentucky avenue sewer to Second street, in the city of Indianapolis.

Which was read the second time.

Mr. Newman moved to amend by taxing one half of the cost of constructing said sewer to the owners of property.

Which motion was lost.

Mr. Brown moved to amend the portion in regard to materials, by inserting after the words "stone, brick or cement," the words iron or glazed drain pipe.

Which motion was adopted.

The Ordinance was then ordered engrossed.

General Ordinance No. 4, 1872, entitled :

An Ordinance providing for the construction of a public sewer in and upon Delaware, Bicking, East and Buchanan streets, in the city of Indianapolis.

Which was read the second time.

Mr. Brown moved to amend by saying that the whole cost of constructing said sewer be assessed against the property holders, *provided*, the cost does not exceed one dollar and fifty cents per lineal foot on each side.

Which motion was adopted, and Ordinance so amended.

The Ordinance was then ordered engrossed.

General Ordinance No. 3, 1872, entitled :

An Ordinance providing for the construction of a public sewer in Washington street, from Illinois street to Pogues' Run.

Was called up, and on motion, postponed until the second Monday in March, 1872.

By consent, Mr. Newman from the Committee on Finance, submitted the following proposition and report :

INDIANAPOLIS, January 29, 1872.

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

GENTLEMEN—The Committee on Finance, ask leave to report the following proposition of Wm. H. English, on behalf of the First National Bank of Indianapolis, and recommend the Council to accept the proposition.

Respectfully submitted,

JOHN S. NEWMAN,
ISAAC THALMAN,
AUSTIN H. BROWN,
J. H. WOODBURN,

Committee on Finance.

To the Finance Committee,

Of the Common Council of the City of Indianapolis :

In relation to the over due indebtedness of the city, held by the First National Bank, I have to say that the Bank will be willing to carry it until the 25th of March next, with the understanding that 10 per cent interest will be paid for the time it may have remained over due. The amount is between nine and ten thousand dollars.

WM. H. ENGLISH.

Which was accepted, and report concurred in.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, January 29, 1872.

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

GENTLEMEN—I wish to call your attention to the fact that some parties are opening the fire plugs besides the firemen, and in consequence some of them have been frozen, which disables them from service.

This Company desires to be relieved from all responsibility of having the fire plugs ready for instant use in case of fire, unless the city authorities will see that no person will use or interfere with them but members of the Fire Department, and employees of this Company.

Respectfully submitted,

JOHN R. ELDER,
President of Water Works Co.

Which was referred to the Committee on Fire Department.

His Honor, the Mayor, introduced General Ordinance No. 12, 1872, entitled :

An Ordinance prohibiting interference with fire plugs or hydrants.

Which was read the first time, and referred to the Mayor and Chief Fire Engineer, with instructions to report whether we have an Ordinance in regard to it.

Mr. Marsee, from the Committee on Fire Department, made the following report :

INDIANAPOLIS, Jan. 29, 1872.

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

GENTLEMEN—Your Committee on Fire Department, to whom was referred the petition of the Indianapolis Manufacturers and Carpenters Union to be allowed to make a shed addition on the south and

west sides of their factory, would respectfully report that they have examined the same, and recommend that the prayer of the petitioners be granted.

Respectfully submitted,

JOHN L. MARSEE,
ROBERT KENNINGTON,
WM. W. WEAVER,
Committee on Fire Department.
DAN. GLAZIER,
Chief Fire Engineer.

Which was received.

Mr. Brown introduced General Ordinance No. 13, 1872, entitled:

An Ordinance to amend section one of an Ordinance entitled, "An Ordinance concerning the prevention of fires," ordained November 30, 1863.

Which was read the first time, and by unanimous consent the rules were suspended, and the ordinance read the second and third times, and passed by the following vote:

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—None.

Mr. Marsee, from the Committee on Fire Department, made the following report:

INDIANAPOLIS, January 29, 1872.

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

GENTLEMEN—Your Committee on Fire Department herewith sub-

mit the final estimate of Dagget & Rothe, architects for the city in erecting the new engine houses, we recommend the approval of the estimate, and that the Chief Fire Engineer be authorized to accept the houses from the contractors.

Respectfully submitted,

J. L. MARSEE,
 ROBERT KENNINGTON,
 WM. W. WEAVER,
 Committee on Fire Department.

Which was concurred in.

Also the following estimate :

INDIANAPOLIS, January 29, 1872.

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

Final settlement and estimate No. 27 upon the city Fire Engine Houses, built by Michal Hyland and his bondsmen, for the city of Indianapolis, according to agreement.

Amount of proposition.....	\$27,867 00
Hard bricks.....	800 00
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Total amount of contract.....	\$28,667 00
Extra 3,000 bricks, piers in stable.....	27 00
“ 18½ squares ferring over cellar \$3.25.....	60 17
“ 3 dormers over stable, \$15.00.....	45 00
“ 1 window not used, drayage, &c.....	2 00
“ front door made four folds, \$5.00.....	20 00
“ 3 double rear doors, \$26.00.....	78 00
“ 3 saw dust bins, \$15.00.....	45 00
“ 20 handles on large doors, 50 cents.....	10 00
“ 2½ squares slating on dormers, \$12.00.....	30 00
“ ridge covering and flashing.....	8 40
“ lead and flashing smoke stack.....	15 70
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Total amount of contracts and extras.....	\$29,010 27

Deduct of the above amount for orders given at sundry times amounting in all to.....	\$24,210 00
Less 55 yards grading, 30 cents.....	16 50
“ privy vault.....	15 00
“ 3,900 brick, manure bin.....	35 00
“ window cap.....	2 80
“ window manure bin.....	4 50
“ 1 bull eye window.....	6 00
“ 8 small stable windows.....	32 00
“ rails and newls, second story.....	12 00
“ 7 barn doors, \$7.00.....	49 00
“ casing of bath tubs.....	24 00
“ 22 hay boxes, \$2.00.....	44 00
“ 8 squares of studding, \$2.00.....	16 00
“ shelves and hoops.....	24 00
“ privy door and frame.....	7 00
Total amount	<u>\$24,497 80</u>
Leaves due according to the above	\$4,512 47

By the above statement said Michal Hyland or his bondsmen are entitled, as per final settlement, to the amount of \$4,457.00 upon original contract, and to the sum of \$55.47 for extra work done, makes the total amount yet due upon the whole to the sum of four thousand five hundred and twelve dollars (4,512.47), according to this final contract.

Respectfully submitted,
DAGGETT & ROTH,
Architects.

Which was received.

By unanimous consent the rules were suspended for the purpose of calling the roll of members, for the presentation of new business.

Dr. Woodburn asked and obtained leave of absence.

Mr. Brown, in behalf of Dr. Woodburn, presented the following petition :

INDIANAPOLIS, January 29, 1872.

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

GENTLEMEN—The undersigned, your petitioners respectfully ask and pray an order of your honorable body vacating all that portion of Fifth street, lying between the east line of Illinois street and the line bounding and terminating said Fifth street on the east, and between the north line of block No. 20 and the south line of block No. 21, of James P. Drake's addition to the city of Indianapolis, as platted and acknowledged by him on the 16th day of April 1852, and recorded in the Recorder's office of Marion county, Indiana, in platt book No. 1, page 95, of the Marion county records.

Your petitioners would respectfully state that they are the owners, in fee simple, of all the property immediately adjoining, and lying along said described portion of Fifth street, on all sides of the same. That your petitioners and no other person or persons whatever can be effected by said proposed change.

That although almost twenty years have elapsed since said described portion of Fifth street was dedicated to public use, yet it has never been used by the public, and has never been improved as one of the streets of said city.

That said described portion of Fifth street is only about 60 feet wide, by 110 feet in depth.

That during the past year a large substantial brick dwelling house has been erected just east of the termination of said Fifth street, and is such a barrier that it will prevent said street from being extended any further in an easterly direction, or beyond its present termination. That said street is now practically closed, and is of no benefit to the city, nor of any use or accommodation whatever to your petitioners. That your petitioners believe that it will be a benefit to the city to grant the order herein prayed for, and your petitioners will ever pray, &c.

JOHN M. JUDAH,
HOWARD CALE,
GEO. W. SNIDER,
ERNEST B. COLE,
Trustees of Salem Chapel.
B. F. WITT,

And 3 others.

STATE OF INDIANA, }
 MARION COUNTY, } SS:

Before me, Peter Smock, a Justice of the Peace for Center township, county of Marion, State of Indiana, personally came Messrs. John W. Judah, George W. Snider, Ernest B. Cole and Howare Cale, the Trustees of Salem Chapel Sunday School, William F. Black, William R. Henderson, Lucy C. Witt and Benjamin F. Witt, and acknowledged the execution of the above petition and consent that the order therein prayed for be granted.

Witness my hand and seal this 29th day of January, 1872.

PETER SMOCK, [SEAL.]
 Justice of Peace.

Which was referred to the Committee on streets and alleys.

Mr. Bigham presented the following petition:

INDIANAPOLIS, Jan. 29, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Market street, between Delaware and Pennsylvania streets, respectfully petition your honorable body to pass an ordinance providing for the grading and paving with what is known as wooden block pavement on Market street, between Delaware and Pennsylvania street, and your petitioners will ever pray, &c.

J. A. BROUSE,
 A. A. SCOTT,
 C. EDEN,
 E. B. MARTINDALE,
 And 11 others.

Which was received.

Mr. Cottrell introduced Special Ordinance No. 9, 1872, entitled:

An Ordinance to provide for grading and paving with brick the west sidewalk of New Jersey street, between Merrill and McCarty street.

Which was read the first time.

Mr. Cottrell offered the following motion

Moved: That the Chief Fire Engineer be directed to advertise for sealed proposals, for building a cistern on the corner of Yeiser and Franklin streets.

Which was referred to the Committee on Fire Department.

Mr. Heckmen offered the following motion :

Moved: That the Chief of Police be instructed to enforce the ordinance against railroad trains obstructing the crossings of streets and alleys.

Which was adopted.

Mr. Heckman offered the following motion :

Moved: That the Committee on the revision of ordinances with the City Attorney, be instructed to examine the ordinances and report what is necessary, if any, for the better protection for the people on the account of the obstruction by railroad trains.

Which was adopted.

Mr. Reagan offered the following motion :

Moved: That the Street Commissioner be and is hereby authorized to examine the bridge, crossing Pogues' Run on McCarty street, and to prevent the buttments from injury by the flow of water on said street.

Which was adopted.

Mr. Thalman offered the following motion :

Moved: That the City Attorney report to this Council, whether in his opinion, railroad companies can not be compelled to bridge over, or tunnel under streets, where they cross the same with their tracks.

Which was adopted.

Mr. Thalman introduced General Ordinance No. 14, 1872, entitled:

An Ordinance requiring a flagman to be stationed at the intersection National road and the Indianapolis, Bloomington and Western railroad, both day and night.

Which was read the first time.

Mr. Thalman introduced Special Ordinance No. 10, 1872, entitled:

An Ordinance to provide for the erection of lamp posts, lamps, and fixtures complete to burn gas, except the service pipe, on Wabash street, from Mississippi to Missouri street.

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

Mr. Thalman introduced Special Ordinance No. 11, 1872, entitled:

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on the National road, from the White river bridge to the corporation line west:

Which was read the first time, and referred to the Committee on Gas:

Mr. Wiles introduced General Ordinance No. 15, 1872, entitled :

An Ordinance granting permission to Messrs. Elliott and Berry to construct a railroad track across New Jersey street, at Nos. 47 and 49 South New Jersey street.

Which was read the first time.

Mr. Wiles offered the following resolution :

Resolved, That we approve the bill now before Congress providing for increasing the salary of Letter Carriers, from eight hundred to twelve hundred dollars per annum ; and that we ask our representatives to aid in its passage.

Resolved, The Mayor and City Clerk are hereby instructed to forward to each of our representatives in Congress a copy of this resolution.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Heckman, Kennington, Locke, Marsee, Newman, Teagan, Thalmann, Thoms, Weaver, Whitsit and Wiles—15.

Negative—None.

On motion, the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST :

JOHN R. CLINTON,

City Clerk