

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Dec. 2, 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 Bigham, Bollman, Cottrell, Craft, Gibson, Gimber,
Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman,
Whitsit, Wiles and Woodburn—16.

Absent—Councilmen Batty and Sherwood—2.

The proceedings of the regular session, held November 25th,
1872, were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report :

INDIANAPOLIS, Dec. 2, 1872.

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

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

J. J. Palmer, fourth and final estimate, for grading and paving with wooden block pavement Illinois street from Washington street to the north side of Louisiana street:

| | |
|---|-------------|
| 9653.74 square yards pavement at \$2 04 per square yard..... | \$19,693 62 |
| 241.8 feet new curb at 65 cents per foot | 157 17 |
| 1621.7 feet old curb at 15 cents per foot | 243 25 |
| 42.5 square feet curb at stairways of tunnel, at 40c. per square ft.. | 17 00 |
| 180 feet pipe at Georgia street, at 90c. per foot.. | 162 00 |
| 4 elbows at \$1 50 each..... | 6 00 |
| 6 protection stones at \$6.00 each..... | 36 00 |
| Total estimate..... | \$20,315 04 |
| Deduct former payment..... | 18,304 36 |
| Present payment..... | \$2,010 68 |

Also, John Volmer, partial estimate, for building stone abutments for an iron bridge over the Central Canal on Third street:

| | |
|---|----------|
| 130 cubic yards masonry, at \$5 65 per yard..... | \$734 50 |
| 170.8 cubic yards excavation, at 25c. per yard..... | 42 70 |
| Total estimate..... | \$777 20 |

Also, Hiram Seibert, first and final estimate, for grading, graveling and covering with Rolling Mill cinders Merrill street and sidewalks from Tennessee to Mississippi street:

| | |
|--|------------|
| Length on north side..... | 530 ft. |
| Length on south side..... | 520 ft. |
| Total length..... | 1050 ft. |
| At \$2 27 cents per lineal foot..... | \$2,383 50 |
| 361.5 extra yards embankment, at 40 cents per yard.. | 144 60 |
| 136 6 extra yards gravel, at 85 cents per yard.... | 116 11 |
| 30 feet cement pipe in gutter on Mississippi street, at 80 cents.... | 24 00 |
| 2 protection stones at \$5.50 each..... | 11 00 |
| Total estimate..... | \$2,679 21 |

Also, Michael Foust, for grading and graveling Short street and sidewalks from Dougherty to Coburn street:

| | |
|---|----------|
| Length on east side..... | 255 ft. |
| Length on west side..... | 255 ft. |
| Total length | 510 ft. |
| At 82½ cents per lineal foot..... | \$420 75 |
| 9 cubic yards excavation in ditch to drain street, at 30c. per yard.. | 2 70 |
| Total estimate..... | \$423 45 |

Also, R. M. Riner, partial estimate, for building a brick sewer in the Canal at the crossing of Maryland street:

| | |
|--|------------|
| 110 feet brick sewer at \$10.68 per foot..... | \$1,174 80 |
| 262.3 cubic yards embankment, at 28 cents per yards..... | 73 44 |
| 102.4 cubic yards excavation, at 28 cents per yard... .. | 28 67 |
| Total estimate..... | \$1,276 91 |

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, December 2, 1872. }

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

GENTLEMEN:—The City Clerk would respectfully report for your approval the following estimates:

FIRST.

Fourth and final estimate in favor J. J. Palmer for grading and paving with wooden blocks Illinois street, from Washington street to the north side of Louisiana street.

SECOND.

First and final estimate in favor of Hiram Seibert for grading, graveling and covering with Rolling Mill cinders Merrill street and sidewalks between Tennessee and Mississippi streets.

THIRD.

First and final estimate in favor of Michael Foust for grading and graveling Short street and sidewalks between Dougherty and Coburn streets.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was received.

Also, the following resolution :

Resolved, That the foregoing fourth and final estimate of J. J. Palmer for grading and paving with wooden block pavement Illinois street from Washington street to the north side of Louisiana street, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Bollman, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—Councilman Rush—1.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Hiram Seibert for grading, graveling and covering with Rolling Mill cinders Merrill street and sidewalks, between Tennessee and Mississippi streets, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Bollman, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Michael Foust for grading and graveling Short street and sidewalks, between Dougherty and Coburn streets, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Bollman, Craft, Gibson,

Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—None.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, Dec. 2, 1872. }

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

GENTLEMEN:—The City Clerk would respectfully report that there are on file in his office affidavits for the collection of street assessments by precept as follows:

| | |
|--|----------|
| James W. Hudson vs. John Carlisle, for..... | \$467 49 |
| Patterson & Dunning vs. Mary C. Hunter, for..... | 18 75 |
| “ “ vs. Julia Davis, for..... | 28 08 |
| “ “ vs. Louisa Sprengle, for..... | 18 75 |
| Macauley & Alexander vs. James Hull, for..... | 91 08 |

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

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in and precepts ordered to issue.

The City Solicitor made the following report:

INDIANAPOLIS, Nov. 27, 1872.

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

GENTLEMEN:—In obedience to your instructions, I have examined the question of the power of the Council to exempt from taxation the property of the Citizens' Street Railway Company, and respectfully submit the following opinion:

The Constitution of the State provides that taxation shall be uniform and equal, and that all property shall be taxed, “excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be specially exempted by law.” (Const. Art. X.) The legislature, under this provision, have exempted certain property. (1 G. & H., p. 69.) But the class of property owned by the Street Railway Company has not been, nor could it be, by the legislature exempted from taxation. The City Charter requires the Common Council to assess taxes upon all property subject to taxation for State and county purposes. (Charter, secs. 24, 58.)

It is very clear, therefore, that the Common Council have no lawful power to exempt the property of the Citizens' Street Railway Company from taxation.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

The City Marshal made the following report :

INDIANAPOLIS, Dec. 2, 1872.

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

GENTLEMEN:—The motion adopted November 25th, "That the City Marshal notify the owners of property on the east side of Meridian street, between St. Joseph and First streets, in accordance with the order of the City Council, adopted May 13th, 1872, within 10 days, and in case of refusal or failure so to do, he move the fence himself and charge the expense to the owners of the property:" I report that I have notified George Tousey, Deloss Root, John S. Spann, E. H. Furguson, Sarah Reeves, J. H. Baldwin, George W. Staats, M. Kelly, George Northway, A. Montgomery and H. B. Marsh.

Thomas H. Bowles and John H. Bradley have complied with the order of May 13, 1872.

THOMAS D. AMOS, City Marshal.

Which was received.

The Board of Health made the following report :

INDIANAPOLIS, Dec. 2, 1872.

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

GENTLEMEN:—The Board of Health submits the following mortality report for the week ending Dec. 2, 1872 :

| | |
|--------------------------|---|
| Under 1 year..... | 4 |
| From 1 to 2 years | 2 |
| From 2 and 5 years | 1 |
| From 5 to 10 years..... | 0 |
| From 10 to 15 years..... | 0 |
| From 15 to 20 years..... | 0 |
| From 20 to 25 years..... | 1 |
| From 25 to 30 years..... | 0 |
| From 30 to 40 years.. | 4 |
| From 40 to 50 years.. | 1 |
| From 50 to 60 years..... | 0 |
| From 60 to 70 years..... | 0 |

| | |
|-----------------------------------|-----------|
| From 70 to 80 years.. | 1 |
| From 80 to 90 years..... | 0 |
| From 90 to 100 years..... | 0 |
| 100 and upwards..... | 0 |
| Unknown..... | 0 |
| Total..... | 14 |

Respectfully submitted,

J. A. COMINGOR, M. D., Pres't.

W. WANDS, M. D., Secretary.

Which was received.

The Street Commissioner submitted the following report :

INDIANAPOLIS, Dec. 1, 1872.

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

GENTLEMEN :—I have the honor to report the following work done in the street repairing department since November 1, 1872 :

FIRST WARD.

| | |
|--|-----------------|
| Cleaned Market street three squares, Meridian street two squares and Pennsylvania street two squares..... | \$70 00 |
| Opened the gutters on North street five squares, on Michigan street three squares, and on Vermont street four squares..... | 120 00 |
| Cleaned repaired the culvert on North and Pennsylvania streets and North and Meridian streets; also, on New Jersey and Michigan streets..... | 65 00 |
| Total... | \$255 00 |

SECOND WARD.

| | |
|--|-----------------|
| Cleaned North Pennsylvania street eight squares, Meridian street four squares, North street three squares, and Fort Wayne avenue three squares | \$190 00 |
| Repaired Fort Wayne avenue with gravel | 85 00 |
| Extended the culvert on Bellefontaine street and Christian avenue. | 24 00 |
| Repaired sidewalk on Massachusetts avenue near Ash street..... | 14 00 |
| Total.... | \$413 00 |

THIRD WARD.

| | |
|--|---------|
| Cleaned and repaired the culvert on North and Meridian streets, and on Mississippi and Market streets..... | \$45 00 |
|--|---------|

| | |
|--|----------|
| Cleaned Washington street three squares, Illinois street two squares and Meridian street four squares..... | 120 00 |
| Opened the gutters on Indiana avenue two squares, and Market st. two squares..... | 60 00 |
| Cleaned and repaired the culvert on Meridian and Circle streets.... | 18 00 |
| Total.... | \$243 00 |

FOURTH WARD.

| | |
|---|----------|
| Put in an abutment at the west end of Elizabeth street to prevent the street from washing away..... | \$70 00 |
| Put a culvert on Agnes and Elizabeth streets..... | 55 00 |
| Graveled the sidewalks in front of City Hospital..... | 22 00 |
| Total..... | \$147 00 |

FIFTH WARD.

| | |
|--|----------|
| Cleaned Washington street four squares and Kentucky avenue one square..... | \$70 00 |
| Repaired South street at the crossing of Kentucky avenue..... | 14 00 |
| Filled the holes on Madison avenue and Illinois street..... | 45 00 |
| Repaired the culvert on West and Maryland streets..... | 18 00 |
| Opened the gutters on Georgia street three squares, on Maryland st. three squares, and on Tennessee street three squares.... | 115 00 |
| Total..... | \$262 00 |

SIXTH WARD.

| | |
|--|----------|
| Cleaned Washington st. three squares, Virginia avenue one square, Delaware street two squares, Meridian street three squares, and Maryland street three squares..... | \$170 00 |
| Repaired the culvert on Indiana avenue and Chestnut street..... | 12 00 |
| Filled the holes on Garden street..... | 11 00 |
| Repaired Delaware street between Pogue's Run and South street... | 45 00 |
| Total.... | \$258 00 |

SEVENTH WARD.

| | |
|--|----------|
| Cleaned Cumberland street two squares, Washington street three squares, Delaware street two squares, and Virginia avenue one square..... | \$90 00 |
| Repaired Wyoming street with gravel.... | 11 00 |
| Repaired Delaware street, between South street and Pogue's Run... | 45 00 |
| Repaired culvert on Merrill and Alabama streets..... | 8 00 |
| Total..... | \$154 00 |

EIGHTH WARD.

| | |
|---|-----------------|
| Repaired the culvert on Cedar and Grove streets..... | \$22 00 |
| Opened the gutters on Noble street five squares, Liberty street two squares, on Georgia street two squares, and on Meek street two squares..... | 120 00 |
| Cleaned Washington street two squares..... | 25 00 |
| Repaired the culvert on Washington street and Michigan Road..... | 14 00 |
| Total..... | <u>\$181 00</u> |

NINTH WARD.

| | |
|---|-----------------|
| Cleaned Delaware street three squares, and Washington street six squares..... | \$110 00 |
| Regraded the gutter on west side of Pennsylvania street, between Market and Washington streets..... | 95 00 |
| Put two foot bridges on Market and Liberty streets, and two on New York and Liberty streets..... | 16 00 |
| Total.. | <u>\$221 00</u> |

BRIDGES.

| | |
|--|-----------------|
| Removed the old bridge from the Canal on Maryland street | \$35 00 |
| Repaired the bridge over the Canal on North street..... | 9 00 |
| Repaired the bridge over Pogue's Run on New York street..... | 11 00 |
| Repaired the bridge over the Canal on West street, and the bridge over the Canal on Georgia street; also, the bridge over the Canal on McCarty street..... | 45 00 |
| Total..... | <u>\$200 00</u> |

SEWERS.

| | |
|--|-----------------|
| Cleaned the catch-basins on Illinois street.... | \$45 00 |
| Put cement pipe sewer in the gutter on the south side of Market st., between the Canal and Mississippi street..... | 385 00 |
| Total..... | <u>\$420 00</u> |

MISCELLANEOUS.

| | |
|---|----------|
| Put two stone crossings across Ohio and Alabama streets | \$200 00 |
| Put two " " " New York and Alabama streets..... | 200 00 |
| Put two " " " West and Michigan streets..... | 200 00 |
| Put one " " " West and Vermont streets..... | 100 00 |
| Put one " " " California and Vermont streets..... | 75 00 |
| Put one " " " Garden and Madison avenue..... | 75 00 |
| Put one " " " Garden and Meridian street..... | 75 00 |
| Put two " " " Merrill and Meridian strtet..... | 150 00 |

| | |
|---|-------------------|
| Put two stone crossings across McCarty and Meridian street..... | \$150 00 |
| Put one " " " Russell and Meridian streets..... | 150 00 |
| Put one " " " Ray and Meridian streets..... | 75 00 |
| Put one " " " Wilkins and Meridian street..... | 75 00 |
| Put one " " " South and Pennsylvania street..... | 150 00 |
| Bouldered the mouths of the alleys and put flag crossings in the same on Meridian street, between South and Ray streets..... | 220 00 |
| Also, on Madison avenue, between South and Garden streets..... | 40 00 |
| Also, on Bellefontaine street, between Forest Home and Christian avenues, and curbed the street corners..... | 280 00 |
| Relaid the Street Railway tracks on South Illinois street, between Washington and Louisiana streets, so as to conform to the new grade..... | 680 00 |
| Total..... | \$3,075 00 |

RECAPITULATION BY WARDS,

Showing the amount on hand November 1, 1872, the amount appropriated November 4, 1872, the amount expended since November 1, 1872, and the amount on hand at the present date:

| WARDS, ETC. | Balance Nov. 1, 1872. | Deficit Nov. 1, 1872. | Appropriated Nov. 1, '72. | Total with appropriation | Expended since Nov. 1. | Balance. | Deficit. |
|----------------------|-----------------------|-----------------------|---------------------------|--------------------------|------------------------|------------------|-----------------|
| First Ward..... | \$31 00 | | \$500 00 | \$531 00 | \$255 00 | \$276 00 | |
| Second Ward..... | 44 00 | | 500 00 | 544 00 | 413 00 | 131 00 | |
| Third Ward..... | | \$304 00 | 500 00 | 196 00 | 243 00 | | \$47 00 |
| Fourth Ward..... | | 406 00 | 500 00 | 94 00 | 147 00 | | 53 00 |
| Fifth Ward..... | | 227 00 | 500 00 | 283 00 | 262 00 | 11 00 | |
| Sixth Ward..... | | 299 00 | 500 00 | 201 00 | 238 00 | | 37 00 |
| Seventh Ward..... | | 9 00 | 500 00 | 491 00 | 154 00 | 337 00 | |
| Eighth Ward..... | | 53 00 | 500 00 | 447 00 | 181 00 | 266 00 | |
| Ninth Ward..... | | 602 00 | 500 00 | | 221 00 | | 323 00 |
| Bridge Fund..... | 31 00 | | | 31 00 | 290 00 | | 169 00 |
| Sewer Fund..... | | 1026 00 | 2000 00 | 974 00 | 420 00 | 554 00 | |
| Miscellaneous Fund.. | | 386 00 | 4000 00 | 3614 00 | 3075 00 | 541 00 | |
| Total..... | 106 00 | \$2292 00 | 10000 00 | \$7376 00 | \$5809 00 | \$2116 00 | \$629 00 |

Respectfully submitted,

A. BRUNER, Street Commissioner.

Which was received.

ORDINANCES ON FIRST READING.

Dr. Woodburn introduced special appropriation ordinance No. 68, 1872, entitled :

An ordinance appropriating money for the payment of sundry claims on account of City Hospital for the month of November, 1872.

Which was read the first time.

Mr. Kahn introduced special appropriation ordinance No. 69, 1872, entitled :

An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first time.

Mr. Thalman introduced special appropriation ordinance No. 70, 1872, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Station House for the month of November, 1872.

Which was read the first time.

Mr. Pressly introduced special appropriation ordinance No. 71, 1872, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Printing, Stationery, &c., for the month of November, 1872.

Which was read the first time.

Special appropriation ordinance No. 68, 1872 :

Was read the second and third times and passed by the following vote :

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft,

Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Special appropriation ordinance No. 70, 1872 :

Was read the second and third times and passed by the following vote :

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Special appropriation ordinance No. 71, 1872 :

Was read the second and third times and passed by the following vote :

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Special appropriation ordinance No. 69, 1872 :

Was taken up and read the second time, and, on motion, unanimously amended by inserting \$1,000 to be used for the benefit of the poor and needy of the city, the same to be expended by the Committee on Benevolence.

In regard to which Mr. Thalman offered the following motion :

Moved, That where the Committee are not themselves personally acquainted with the needs of the applicant, that they be referred to the Councilman of the Ward where they reside for a certificate of their worthiness.

Which was adopted.

On motion by Dr. Woodburn, Councilmen Craft and Whitsit were added to said Committee for the purpose of aiding in the distribution of said fund.

The ordinance was then ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

By consent, His Honor, the Mayor, offered the following motion :

Moved, That the Committee on Railroads, without delay, investigate and act upon the question of persuading or inducing the different railroads entering Indianapolis to bring wood for fuel into the city during the prevalence of the horse disease, the same to be sold or otherwise distributed at reasonable rates.

Which was adopted.

By unanimous consent, the rules were suspended for the purpose of taking up and reading the second and third times the following entitled ordinance :

An ordinance providing for the reporting and burial of persons dying from contagious and infectious diseases.

Which was read the second time.

His Honor, the Mayor, offered the following amendment :

There shall be no public demonstration at the funeral of any person who has died of small pox or other contagious disease in said city, without a permit from the Board of Health. Any one violating the provisions of this section shall be fined, upon conviction, in any sum not exceeding one hundred dollars.

Which was adopted.

The ordinance as amended was then ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

By consent, Mr. Craft offered the following motion :

Moved, That the Chief Fire Engineer be and is hereby authorized to hire horses at the lowest prices per day that they can possibly be procured, to work in the Steam Engines and Hose Reels, until the horses belonging to the Department are fully recovered from the prevailing epidemic, and that he at all times have a horse ready for his own use.

Which was adopted.

By consent, Mr. Craft offered the following motion :

Moved, That A. L. Wright be and is hereby permitted to lay down a flagstone crossing on Massachusetts avenue and in front of his Block, the same to be done at his own expense and under the direction of the Civil Engineer.

Which was adopted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.