

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, Dec. 16, 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, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—15.

Absent—Councilmen Bollman, Craft and Hardesty—3.

The proceedings of the regular session, held December 9th, 1872, were read and approved.

Sealed proposals were opened, read and referred to the Committee on Contracts.

Mr. Cottrell rose to a question of privilege, stating that during his absence from the last session of the Common Council a report from the Committee on Streets and Alleys was submitted, which, among other things, recommended the approval of an estimate in favor of Michael Foust for grading and graveling High street, &c., and wished to have the said portion of said report reconsidered.

Mr. Batty moved that the action on so much of the report of the committee, as referred to High street, be reconsidered.

Mr. Thalman moved to lay the motion to reconsider on the table.

The question being, shall the motion to reconsider be laid on the table,

Those who voted in the affirmative were Councilmen Bigham, Gibson, Kahn, Pressly, Sherwood, Thalman, Whitsit and Woodburn—8.

Those who voted in the negative were Councilmen Batty, Cottrell, Gimber, Kennington, Reagan, Rush and Wiles—7.

So the motion to reconsider was laid on the table.

By unanimous consent Mr. Rush, from Special Committee, made the following report:

INDIANAPOLIS, Dec. 16, 1872.

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

GENTLEMEN:—Your Special Committee, to whom was referred the motion of Fred P. Rush in regard to the treatment of Henry Wishmeyer, whose leg was broken and he thereupon sent to the City Hospital, report:

That they met at the City Hospital on the 12th inst., and examined under oath the said Wishmeyer and the Surgeons in the immediate charge of the

Hospital, and other Physicians and Surgeons, viz., Doctors Cominger, Todd and Bigelow, and also three of the attendants at the Hospital.

We find, after hearing the evidence, that said Wishmeyer was properly and skillfully attended to and treated by the Surgeons in charge, Doctors Marsee and Godfrey, and their consulting Surgeon, Doctor Cominger. We think, believe, and find that Mr. Wishmeyer is doing well, and improving as fast as could be expected.

We would further report that in our opinion, so far as we could see or learn, all matters in the Hospital are properly attended to by the Surgeons in charge, Doctors Marsee and Godfrey.

The charges were made by Mr. Wishmeyer to outside parties, upon which this investigation was ordered by the Council, when he was unconscious and incapable to give to any one a true statement of his condition or treatment. On his examination by us, he said that he believed he was properly treated.

We desire to here say to the Council, that in our opinion the Hospital is in good hands, well attended to by skillful Surgeons, and that all persons taken thereto would and will be properly cared for and treated.

We, your committee, therefore, recommend that the Common Council concur in the report of the Trustees of the City Hospital, made on the 9th inst., and ask to be discharged from the further consideration of the subject.

C. E. WHITSIT,

L. Q. SHERWOOD,

F. P. RUSH,

Special Committee.

J. S. HARVEY, City Attorney.

Which was concurred in.

#### REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report:

INDIANAPOLIS, Dec. 16, 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 a partial estimate for grading and paving with wooden block pavement Illinois street from the north side of Louisiana street to the south side of South street, except where the same crosses the railway tracks.

2517.1 square yards pavement at \$2.25 per yard.....	\$5,663 47
390.3 feet of new curb at 65 cents.....	253 69
335.4 feet curb reset at 15 cents per foot....	50 31
28.5 feet of pipe at 90 cents per foot.....	25 65

1 protection stone at \$6.00 .....	6 00
Lowering catch basin.....	1 50
Total estimate.....	\$6,000 62

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk submitted the following report:

OFFICE OF CITY CLERK,  
INDIANAPOLIS, December 16, 1872. }

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

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

FIRST.

§ First and partial estimate allowed John J. Palmer for grading and paving with wooden block pavement Illinois street from the north side of Louisiana street to the south side of South street, except where the same crosses the railway tracks.

SECOND.

First and final estimate allowed Michael Foust for grading and graveling High street and sidewalks, from McCarty street to the first alley south of Bicking street.

THIRD.

Contract and bond of Patterson & Dunning for grading and graveling Second street and sidewalks, from Tennessee street to the Central Canal.

FOURTH.

Contract and bond of Patterson & Dunning for grading and graveling Third street and sidewalks, from Illinois street to the Central Canal.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was concurred in, contracts awarded and bonds approved.

Also, the following resolution:

*Resolved,* That the foregoing first and partial estimate of John J. Palmer, for grading and paving with wooden block pavement Illinois street, from the

north side of Louisiana street to the south side of South street, except where the same crosses the railway tracks, 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 Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—13.

Negative—Councilman Reagan—1.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate of Michael Foust, for grading and graveling High street and sidewalks, from McCarty street to the first alley south of Bicking street, be and the same is hereby adopted as the estimate of this Council, and 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, Gibson, Gimber, Kahn, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—10.

Negative—Councilman Batty, Cottrell, Kennington and Reagan—4.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }  
INDIANAPOLIS, Dec. 16, 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 precepts as follows :

John Schier vs. Mary A. Gibson, for .....	\$19 92
“ vs. John M. Gaston, for.....	7 67
John J. Palmer vs. P. J. Reinhardt, for.....	106 38
Patterson & Dunning vs. Michael Shea, for.....	11 88
James W. Hudson vs. Joseph Kinsey, for.....	28 20



James W. Hudson vs. Wm. G. Robinson, for... \$20 25  
 Patterson & Dunning vs. J. J. Hayden, for... 18 90

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 and City Attorney submitted the following:

INDIANAPOLIS, Dec. 16, 1872.

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

GENTLEMEN:—We recommend that you adopt the annexed Preamble and Resolution.

Respectfully,

B. K. ELLIOTT, City Solicitor.

J. S. HARVEY, City Attorney.

WHEREAS, One — Farmer has instituted an action against the City, in the Superior Court of Marion county, to recover damages for an alleged injury caused by falling into the tunnel on South Illinois street in said city through the negligence of the city: And whereas, Oscar Kelley and John Whitsit were the contractors with said city for the construction of said tunnel, and should save the city harmless from the payment of any damages to said Farmer, for the reason that the negligence complained of, if any, was the negligence of said contractors. Therefore,

*Resolved*, That said Kelley and Whitsit be notified of the pendency of said action, and that they appear and defend the same and save the city harmless therefrom; and that in the event of a judgment being recovered against the city, she will hold them responsible for such judgment and all costs. That the Clerk issue and the Marshal serve a copy of the foregoing preamble and resolution on said Kelley and Whitsit.

Which was received, and resolution adopted by the following vote:

Affirmative—Councilmen Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Reagan, Sherwood, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—None.

The City Treasurer presented the following :

INDIANAPOLIS, Dec. 16, 1872.

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

GENTLEMEN :—I herewith respectfully transmit my report of Receipts and Expenditures. The same would have been presented to your honorable body ere this had not the Clerk's time been constantly engaged on the new duplicates, which prevented me from turning over to him the redeemed bonds, coupons and warrants.

Very respectfully,

JOHN W. COONS, City Treasurer.

Which was received.

Also, the following :

INDIANAPOLIS, Dec. 16, 1872.

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

Report of John W. Coons, City Treasurer, showing Receipts and Disbursements from May 11, to December 1, 1872 :

RECEIPTS.

Balance in Treasury.....	\$112,640 35
To Licenses, Fines and Fees, and Market Stalls.....	4,126 65
To Tapping Sewers.....	375 00
To Money advanced by Woollen, Webb & Co.....	6,490 00
To Loan.....	405,685 00
To overcharge in redeeming of Bonds.....	222 06
To promiscuous.....	633 75
To Taxes.....	27,195 62
Total.....	<u>\$557,368 43</u>

DISBURSEMENTS.

By Police Department.....	\$22,643 80
By Fire Department .....	32,788 60
By Salary.....	13,940 41
By Hospital.....	6,786 92
By Elections.....	350 00
By Sewers.....	54,389 81
By Street Improvement .....	24,872 78
By Station House.....	1,555 28
By Books, Printing and Stationery.....	6,954 71
By Gas and Gas Fixtures.....	27,975 15

By Bonds and Interests. . . . .	135,923 99
By Specific. . . . .	284 75
By Taxes refunded. . . . .	130 71
By Assisting Civil Engineer and Assessor. . . . .	2,407 00
By Bobbs' Dispensary. . . . .	600 00
By Damages. . . . .	10,804 77
By City Commissioners. . . . .	763 00
By Tunnel. . . . .	42,396 80
By Cisterns. . . . .	677 98
By School Fund . . . . .	59,154 75
By Rents. . . . .	1,040 00
By Donation. . . . .	1,000 00
By Bridges . . . . .	40,428 90
By Promiscuous and Steam Roller. . . . .	17,632 35
By Street Repairs. . . . .	24,601 13
By Parks. . . . .	1,820 09
By Water. . . . .	9,889 18
By Balance at Winslow, Lanier & Co.'s. . . . .	410 94
By Balance in Treasury Dec. 1, 1872 . . . . .	15,144 63
Total. . . . .	\$557,368 43

Respectfully submitted,

JOHN W. COONS, City Treasurer.

Which, on motion, was referred to the Committee on Finance, with instructions to examine the same and report back to the Council.

The Street Commissioner made the following report:

INDIANAPOLIS, Dec. 16, 1872.

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

GENTLEMEN:—One week ago I reported to your honorable body that D. Root & Co. had given notice that they could not furnish iron at the contract price of a year ago. The price hereafter would be 3 $\frac{3}{4}$  cents per pound.

The report was referred back, with instructions to report when their contract expired.

There was no written contract entered into; and from what knowledge I have of the subject there was no specified time for the contract to run, nor any agreement as to the amount of iron to be furnished.

Most Respectfully,

A. BRUNER, Street Commissioner.

Which was concurred in.



By consent, Mr. Sherwood offered the following motion :

*Moved,* That the Street Commissioner be ordered to fix the catch-basins on North Illinois street same as ordered on South street and Kentucky avenue.

Which was adopted.

The Chief of Police submitted the following report :

INDIANAPOLIS, Dec. 16, 1872.

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

Gas report for the week ending December 16, 1872 :

I would respectfully report to your honorable body that during the week sixteen lamps have not been lighted—every one corner posts—caused by the glass being out of the top.

Yours respectfully,

ELI THOMPSON, Chief Police.

Which was referred to the Committee on Accounts and Claims and Gas Inspector, with instructions to have the matter adjusted at the next monthly settlement with the Gas Company.

The Board of Health submitted the following report :

INDIANAPOLIS, Dec. 16, 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. 16, 1872 :

Under 1 year.....	5
From 1 to 2 years .....	3
From 2 and 5 years .....	0
From 5 to 10 years.....	0
From 10 to 15 years.....	0
From 15 to 20 years.....	1
From 20 to 25 years.....	1
From 25 to 30 years.....	0
From 30 to 40 years.....	2
From 40 to 50 years.....	2
From 50 to 60 years.....	0
From 60 to 70 years.....	1
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.....	16

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

#### ORDINANCES ON FIRST READING.

Mr. Reagan presented the following petition :

INDIANAPOLIS, Nov. 2, 1872.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on the alley running from the elbow of Rose street east to the turn of said alley, then north to Grant street, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of said alley with common River gravel a suitable depth. The accompanying diagram will explain the alley referred to, which will be marked "a a."

And your petitioners will ever pray, &c.

O. B. Gilkey, Maggie E. Gilkey, John Coridan, Thos.  
Coridan, James Kelley and Wm. Kelley.

Which was received.

Mr. Reagan introduced special ordinance No. 198, 1872, entitled :

An ordinance to provide for grading and graveling the alley running from the elbow of Rose street east to turn of said alley, thence north to Grant street.

Which was read the first time.

Mr. Whitsit introduced general ordinance No. 74, 1872, entitled :

An ordinance relative to the construction and maintenance of chimneys and smoke stacks.

Which was read the first time.

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

Mr. Batty offered the following motion:

*Moved*, That the City Clerk advertise for proposals for building a cistern to contain not less than one thousand barrels, at the corner of Malotte avenue and Lincoln street.

Which was adopted.

Mr. Batty offered the following:

Whereas, at a regular meeting of the Common Council, held Nov. 18, 1872, the following motion was adopted:

*" Moved*, That Mr. Roney, the contractor for paving the east sidewalk of Meridian street, north of Pratt street, be instructed to proceed at once with said work, and if the same is not completed within 30 days that the City Attorney commence suit on his bond." Therefore,

*Be it Resolved*, That the above and foregoing motion be, and is hereby, rescinded, provided his bondsman consents.

Which was adopted by the following vote:

Affirmative—Councilmen Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Reagan, Sherwood, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—None.

Mr. Batty, from the Special Committee, submitted the following report:

INDIANAPOLIS, Dec. 16, 1872.

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

GENTLEMEN:—Your committee, to whom was referred the communication of the United Presbyterian Church, respectfully report:

That in 1836 John Woods subdivided out-lot forty-one, and on his plat marked Massachusetts avenue as of the width of ninety feet. That for more than twenty years the said avenue has been only used to the width of eighty

feet, and your committee greatly doubt whether it was in fact ever opened to any greater width; that it has been paved, graded and improved as though it were but of the width of eighty feet, and that fences and houses on the northern line thereof have been erected upon the theory that the avenue is but eighty feet wide. That the said avenue from the south-eastern point mentioned in the communication, until it ceases to be a street, is of the width of eighty feet.

In view of the fact that it would seriously disarrange the street and render valueless the improvements, and work no practical good to the city, or the public, your committee respectfully recommend that the strip of ten feet described in the communication be vacated.

Respectfully submitted.

J. H. BATTY,  
L. Q. SHERWOOD,  
HEYDEN S. BIGHAM,  
B. K. ELLIOTT, City Solicitor.  
Special Committee.

Which was concurred in.

Mr. Cottrell offered the following motion :

*Moved*, That the sum of — dollars be allowed Chas. Richmann for extra services as Chief Fire Engineer during the year 1869.

Which was referred to the Committee on Accounts and Claims.

Mr. Cottrell offered the following resolution :

*Resolved*, That the sum of — dollars, for the loss of a horse at the Illinois Street Tunnel be allowed Thomas Sullivan, and that the claim be referred to the Committee on Accounts and Claims, with instructions to incorporate the same in the proper ordinance, and that for said claim such committee be instructed to cause the proper appropriation to be made.

Mr. Kahn, from the Committee on Accounts and Claims, made the following report :

INDIANAPOLIS, Dec. 2, 1872.

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

The Committee on Accounts and Claims and City Solicitor, to whom was referred a petition of Mr. John Sullivan claiming damage for a horse killed by falling into the tunnel on Illinois street, beg leave to report that upon the



best information we can gather, we find that the horse killed was used by an employee of the contractor, and while thus used in his service, and in the prosecution of the work, was by such employee backed into the tunnel and thus killed. Under this state of facts, your committee is clearly of the opinion that the city is not legally liable.

Respectfully submitted,

LEON KAHN,

W. H. CRAFT,

Com. on Acc'ts and Claims.

Which report was concurred in by the following vote:

Affirmative—Councilmen Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—13.

Negative—Councilman Reagan—1.

Mr. Batty moved that the resolution offered by Mr. Cottrell be laid on the table.

The question being, shall the resolution offered by Mr. Cottrell be laid on the table,

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Gibson, Pressly, Sherwood, Thalman, Wiles and Woodburn—7.

Those who voted in the negative were Councilmen Bigham, Cottrell, Kahn, Kennington and Reagan—5.

So the resolution was laid on the table.

Mr. Reagan offered the following motion:

*Moved,* That the Chief Fire Engineer be, and is hereby, authorized to extend the Fire Alarm Telegraph west through West Indianapolis.

Which was referred to the Committee on Fire Department.

Mr. Gimber offered the following motion :

*Moved*, That the Street Commissioner be, and is hereby, instructed to move a lot of corn planters from the sidewalk, No. 79 West Washington street immediately.

Which was adopted.

Also, the following motion :

*Moved*, That the City Clerk advertise for bids to build a 500 barrel cistern at the corner of Thomas and West streets.

Which was adopted.

By unanimous consent the rules were suspended and general ordinance No. 69, 1872, entitled :

An Ordinance relative to placing a flagman at the crossing of the Indianapolis & St. Louis Railroad, where the same crosses West street.

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

Affirmative—Councilmen Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Reagan, Sherwood, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—None.

General ordinance No. 71, 1872, entitled :

An ordinance to provide for the stationing of a flagman on Market street at the crossings of the C. C. C. & I., and the P. & I. R. R. Co.'s tracks.

Was taken up, and, on motion, referred to the Committee on Railroads.

Mr. Sherwood offered the following motion :

*Moved*, That the Gas Company be ordered to relay the boulders on North Illinois street, between Washington and Ohio streets, within fifteen (15) days.

Which was adopted.

Mr. Gibson offered the following motion :

*Moved*, That the Street Commissioner be, and is hereby, instructed to remove all Grant and Greeley poles raised during the last Presidential Campaign, as some of said poles endanger the safety of the Fire Alarm Telegraph.

Which was adopted.

Mr. Thalman offered the following motion ;

*Moved*, That the Chief Fire Engineer be directed to keep an account of the number of fire plugs that are frozen up during the winter.

Which was adopted.

Dr. Woodburn, from the Committee on Water Works, to whom the matter was referred, reported that the Water Works Company would furnish water to fill private cisterns for \$2.00 each, and the Chief Fire Engineer had arranged to furnish wagons and outside hosemen to fill such cisterns as citizens may desire, at a reasonable rate, &c.

Which was approved.

Dr. Woodburn moved that the salary of Wm. Regenour, Janitor of the City Building, be increased from \$2.00 to \$2.50 per day, said increase to take effect from the first day of December, 1872.

Which was adopted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.