

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Dec. 23, 1872, 7 o'clock, P. M. }

The Common Council met in regular session.

Present—Dr. J. H. Woodburn, President *pro tem.*, in the chair,
and the following members:

Councilmen Batty, Bigham, Bollman, Cottrell, Gibson, Gimber, Kahn, Pressly, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Absent—Councilmen Craft, Hardesty, Kennington and Reagan—4.

The proceedings of the regular session, held December 16th, 1872, were read and approved.

REPORTS FROM CITY OFFICERS.

The Sewerage Engineer made the following report:

INDIANAPOLIS, Dec. 23, 1872.

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

GENTLEMEN:—The following is the fourth and final estimate allowed Jesse Whitsit on account of the Second Division of the North Illinois Street Sewer:

2434 lineal feet of Sewer at \$6.78.....	\$16,502 52
5 manholes at \$40.35.....	201 75
8 catch-basins at \$117.25.....	938 00
3 catch-basins (extra size) at \$124.75.....	374 25
Excavation, extra.....	650 00
Brick work, extra.....	15 00
	<hr/>
	\$18,681 52
Less former payments.....	10,130 51
	<hr/>
Final payment....	\$8,551 01

Respectfully submitted.

J. W. BROWN, Sewer Engineer.

Which was concurred in.

The City Civil Engineer made the following report:

INDIANAPOLIS, Dec. 23, 1872.

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

GENTLEMEN:—I herein report a partial estimate to O. H. P. Bly for grading and paving the sidewalks of Virginia avenue from East street to the corporation line south:

Length on south side.....	3160 ft. 2 in.
Length on north side.....	3315 ft. 11 in.
	<hr/>
Total length....	6476 ft. 1 in.
At 64 cents per lineal foot.....	\$4,144 70
Deduct former payment.....	2 022 49
	<hr/>
Present estimate.....	\$2,122 21
Deduct 10 per cent.....	212 21
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Present payment.....	\$1,910 00

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk submitted the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, December 23, 1872. }

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

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

A partial estimate in favor of O. H. P. Bly, for grading and paving with brick the sidewalks of Virginia avenue from East street to the corporation line south.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was concurred in.

Also, the following resolution:

Resolved, That the foregoing partial estimate of O. H. P. Bly, for grading and paving with brick the sidewalks of Virginia avenue from East street to the corporation line south, 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, Bollman, Cottrell, Gibson, Gimber, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—11.

Negative—None.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, Dec. 23, 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:

S. W. Patterson vs. Wm. Y. Wiley, for..	\$21 99
“ “ vs. Wm. Y. Wiley, for.....	144 04
Patterson & Dunning vs. Mary A. Day, for.....	18 88

Patterson & Dunning vs. I. & J. Klingensmith, for.....	78 00
“ “ vs. Mary A. Day, for.....	35 75
“ “ vs. Wm. Y. Wiley, for.....	24 70
“ “ vs. James H. McKernan, for.....	39 00
“ “ vs. Thomas Dain, for.....	19 50
“ “ vs. Harriet B. Wilson, for.....	42 82½
Henry C. Roney vs Joseph Deschler, for.....	52 56

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 Street Commissioner made the following report :

INDIANAPOLIS, Dec. 23, 1872.

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

GENTLEMEN :—The old bridge over Pogue’s Run, on Michigan street, is unsafe, and ought to be replaced with a new one.

I would respectfully suggest that an ordinance be passed requiring property owners, and occupants of property, to clear the sidewalks of ice and snow.

Most Respectfully submitted,

A. BRUNER, Street Commissioner.

Which was concurred in.

The City Gas Inspector made a report, reporting a time table for the public gas lamps for the year 1873.

Which was referred to the Committee on Gas Light.

The Board of Health submitted the following report :

INDIANAPOLIS, Dec. 23, 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. 23, 1872 :

Under 1 year.....	3
From 1 to 2 years.....	1
From 2 and 5 years.....	2

From 5 to 10 years.....	1
From 10 to 15 years.....	0
From 15 to 20 years.....	1
From 20 to 25 years.....	0
From 25 to 30 years.....	0
From 30 to 40 years.....	1
From 40 to 50 years.....	2
From 50 to 60 years.....	2
From 60 to 70 years.....	0
From 70 to 80 years.....	0
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	13

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

ORDINANCES ON FIRST READING.

Mr. Batty introduced general ordinance No. 75, 1872, entitled:

An ordinance providing for the appraisal of real and personal property in the city of Indianapolis for the year 1873.

Which was read the first time.

Mr. Pressly introduced general ordinance No. 76, 1872, entitled:

An ordinance relative to placing a flagman on Liberty street at the crossing of certain Railroad Companies tracks.

Which was read the first time.

On motion by Mr. Batty, the rules were unanimously suspended for the purpose of reading the second and third times and passing general ordinance 75, 1872, entitled:

An ordinance providing for the appraisal of real and personal property in the city of Indianapolis for the year 1873.

Was read the second time and ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Gibson, Gimber, Kahn, Pressly, Rush, Sherwood, Thalman, Whit-sit, Wiles and Woodburn—14.

Negative—None.

On motion, all the street improvement ordinances on file were laid over until the first meeting in March, 1873.

Mr. Sherwood, from the Committee on Railroads, made a verbal report, reporting back general ordinance No. 71, 1872, recommending its passage.

ORDINANCES ON SECOND READING.

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 read the second time and ordered engrossed.

General ordinance No. 74, 1872, entitled :

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

Was read the second time, and, after considerable debate, was ordered engrossed.

General ordinance No. 72, 1872, entitled :

An ordinance to prevent the game of Billiards on the first day of the week commonly called Sunday.

Was read the second time and referred to the City Attorney for his opinion as to its legality.

ORDINANCES ON THIRD READING.

General ordinance No. 71, 1872, entitled :

An ordinance relative to placing a flagman on Market street at the crossing of the C. C. C. & I. and the P. & I. Railroad Co.'s tracks.

Was read the third time and passed by the following vote :

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

Negative—None.

General ordinance No. 74, 1872, entitled :

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

Was read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Cottrell, Gibson, Gimber, Kahn, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—12.

Negative—Councilmen Bollman and Rush—2.

Mr. Wiles, from the Committee on Finance, made the following report :

INDIANAPOLIS, Dec. 23, 1872.

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

GENTLEMEN :—The referred report of the City Treasurer has had the attention of your Committee on Finance, and although we did not attempt the verification of the various extensions and footings as shown upon the books of the Treasurer in his office, yet enough care and attention were given to warrant us in the assertion that the report as rendered covers the facts, and in our opinion is correct in each and every particular. The item "Promiscuous and Road Roller," to which exception was taken, is made up as indicated of various promiscuous items including Road Roller, and for the payment of which the Treasurer now holds the receipt of the Clerk for the re-

turn of the cancelled warrant in each particular case, as ordered by Council. The same showing also exists with each particular part of the report. We, therefore, recommend its adoption; but inasmuch as your committee are impressed with the belief that more frequent statements and showings of the facts would lessen the liability of the officers to err, as well as to increase the confidence of those who have a right to be interested, we agree in recommending to those officers to whom are intrusted the funds of the city a more rigid and prompt adherence to chapters 2d, 3d and 9th of the Charter; and also to the provision of an ordinance entitled "Powers and Duties of City Officers." In that case any discrepancy in the Treasurer's monthly report would be detected in the detailed quarterly report of the City Clerk.

We herewith report the sale of \$42,000 of the \$45,000 ten per cent. warrants, to run till the 25th day of March next, as ordered by Council at its meeting of December 9th, for the purpose of redeeming and paying the interest on two-year bonds of this city to the amount of \$44,000 maturing 14th inst.; and that the money so raised has been applied as directed.

The sale was effected at par, we paying an extra two per cent. per annum for the time to run; the additional sum thus paid amounts to \$242.68, and for which sum we ask Council to make an appropriation in the name of the City Treasurer, he having advanced the same.

Your committee feel that they did the best that could be done for the city's interest under the circumstances, indeed the facts are that we paid no more for the use of the money than has been done almost each year heretofore under perhaps more favorable surroundings, the policy of the then committee being the same as the present, that is, to bridge over for a short space when it is known that money is near at hand at the best rate obtainable at the time, and thereby always protect the city's credit, rather than by an additional sale of bonds increase the amount of surplus money in the treasury, when the short time for the stringency has passed; and we must be permitted to say, just here, that the policy seems to be a success since, under that kind of management, the last sale of bonds was the best ever effected.

We should not have adverted to this transaction so freely were it not for the fact that public attention has been called to it, and it is perhaps but just and proper that we should say in this connection that one Banker in the city did offer to take the warrants, or part of them, at par; but his proposition was coupled with a condition over which your committee had no control; and further, that he refused to take them at 12 per cent. per annum unless so qualified, claiming as did other Bankers that money was worth more, unless to regular depositors.

W. D. WILES,
THOMAS COTTRELL,
DAVID GIBSON,
J. H. WOODBURN,
H. S. BIGHAM,
Com. on Finance.

Which was concurred in.

On motion, the report of the City Treasurer, made at last meeting was taken up and concurred in.

ROLL CALL.

Mr. Gimber offered the following motion :

Moved, That the City Clerk advertise for bids to build a 800 barrel cistern at the corner of Georgia and West streets.

Which was referred to the Committee on Fire Department and Chief Fire Engineer.

Mr. Rush offered the following motion :

Moved, That the City Clerk be, and is hereby, instructed to hand in to this Council, every week, a report of the amount of city warrants given out by him.

Which was not adopted.

Mr. Rush presented the following communication :

INDIANAPOLIS, Dec. 23, 1872.

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

GENTLEMEN:—On the 13th day of April last an ordinance was passed by the Council to pave the sidewalk on the south side of New York street, between Massachusetts avenue and East street, said pavement to be of brick, to be eight feet wide, &c.

In October last John Scheier, contractor for the work, proceeded to put down the pavement nine feet wide in the face of urgent remonstrance to the contrary, and in violation of the provision of the ordinance requiring it to be eight feet wide.

At the last meeting of the Council said Scheier presented a claim against me certifying that on his contract for said work I owed him a balance of seven dollars and sixty-seven cents, and asked that a precept be ordered against my property for that amount.

Gentlemen, I owe him nothing. I have paid him for all that the ordinance requires, and even a little more, and hold his receipt therefor dated at the time of the completion of his work.

With any stipulation of his contract that transcends or contravenes the provision of the ordinance I have nothing to do. And I respectfully ask that

you recall the order for precept, that these proceedings may have a stop put to them.

Respectfully, &c.

JOHN M. GASTON.

Which was received.

On motion, the action of the Council at last meeting, ordering the precept against John M. Gaston, was rescinded.

On motion, Mr. Scheier was given the privilege to take up the extra foot of pavement.

Mr. Whitsit offered the following motion :

Moved, That the Police Board be instructed to report to this Council whether or not they placed a man on the force who is not a citizen of the State.

Which was adopted.

Mr. Wiles offered the following motion :

Moved, That John J. Palmer be notified of the pendency in the Superior Court of Marion County of an action brought by one ———, farmer, against the city of Indianapolis, to recover damages for injuries alleged to have been caused by his falling into the Tunnel on South Illinois street; and that said Palmer be further notified to appear and defend said action, as the said city will hold him responsible over for any judgment and costs which said Farmer shall recover against her in said action; and that the City Clerk issue a copy of this motion to the City Marshal, who shall serve a copy thereof on said Palmer, and make return thereof to the City Clerk.

Which was adopted.

On motion the Council adjourned.

DR. J. H. WOODBURN, Pres't, *pro tem*.

ATTEST :

JOHN R. CLINTON, City Clerk.