

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLCS, }
MONDAY, DECEMBER 27TH, 1869, 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 Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman,
Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—none.

The proceedings of the regular session held December 20, 1869,
were read and approved.

Business was then resumed in the order in which it was left off at
last meeting, viz :

Sealed proposals for public work were opened and read by the
City Clerk, and referred to the Committee on Contracts.

Dr. Woodburn called up the following resolution, offered at last meeting.

Resolved, That the Street Commissioner be instructed to notify all property holders on Illinois street, between Ohio street and the Corporation Line north, to remove all dead or dying locust trees between said points, before the 20th day of January, 1870, and on their failure to remove the same within the time specified, he (the Street Commissioner) is hereby instructed to remove said trees, between said points.

Mr. Brown offered the following amendment :

And that the Street Commissioner cut up all such trees into fence posts, and sell the same for the most that can be obtained for them.

Which was adopted.

The question being on the passage of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—14.

Those who voted in the negative were Councilmen Shepherd and Newman—2.

So the resolution was adopted.

Dr. Woodburn presented the following :

INDIANAPOLIS, Dec. 27, 1869.

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

GENTLEMEN:—I hereby appoint, and ask your honorable body to confirm the appointment of, P. R. Perine as Deputy City Assessor, for the year 1870.

Respectfully submitted,

WM. HADLEY, *City Assessor.*

Resolved, that the appointment of P. R. Perine be, and is hereby confirmed.

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

Affirmative—Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsec, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit Wiles and Woodburn—18.

Noes—none.

Also the following :

INDIANAPOLIS, Dec. 27, 1869.

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

GENTLEMEN:—I hereby ask your concurrence in the appointment of John Reynolds, Township Assessor elect, and his deputies—Nelson Hoss, John S. Bray and Peter Smock—in order to legalize their assessments for city purposes for the year 1870. These Deputies are not to receive pay from the Council, being paid by the county.

Respectfully submitted,

WM. HADLEY, *City Assessor.*

Resolved, That the above appointments be, and are hereby confirmed.

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

Affirmative—Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Noes—none.

Dr. Woodburn introduced special appropriation ordinance No. 56, 1869—entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the city of Indianapolis. u

Which was read the first time.

Dr. Woodburn moved that the rules be suspended, and that the ordinance be read the second and third times and passed.

The question being on the suspension of the rules.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance read the second and third times, and placed upon its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Shepherd, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn introduced special appropriation ordinance No. 58, 1869—entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the city of Indianapolis.

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

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

INDIANAPOLIS, Dec. 27, 1869

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

GENTLEMEN:—The Committee on Contracts, to whom was referred sundry bids, report the following to be the lowest and best bidders:

1. For grading and graveling the sidewalks on Benton street, from Washington street to Maryland street—Hiram Seibert, at 24½ cents for graveling, and 24½ cents for curbing.

2. For grading and graveling the first alley west of Pennsylvania street, and running from Pratt street to the first alley north of Pratt street, in out-lot No. 172—to David Sylvester, at 26 cents per lineal foot.

3. For grading and paving with brick the south sidewalk on Michigan street, from Delaware street to the first alley west of Delaware street—there being only one bid, and that 98 cents, we recommend that the Clerk re-advertise said sidewalk.

4. For grading and graveling the alley running north and south through out-lot No. 15, between South and Garden street—to Hanway & Lefever at 40 cents per lineal foot, on each side.

Respectfully submitted,

WM. D. WILES, }
HENRY GIMBER, } Committee.
ISAAC THALMAN, }

Which was concurred in.

Mr. Thalman, from the Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, Dec. 27, 1869

To the Members of the Common Council of the City of Indianapolis :

GENTLEMEN.—The Committee on Streets and Alleys, to whom was referred the petition of Frederick W. Fout, John Stumph, Joseph W. Deischler, Frederick C. Ballman, Charles Brinkmeyer and Henry Emerich, report that they have examined the same, and beg leave to report in favor of granting the prayer of said petitioners, there being no objection to, or remonstrance against the proposed vacation. The Committee recommend the adoption of the accompanying order of vacation.

Respectfully submitted,

ISAAC THALMAN, }
JOHN L. MARSEE, } Committee.
C. HECKMAN, }

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Comes now the petitioners, and file proof of the publication in the Weekly Indiana State Sentinel, a newspaper of general circulation, printed and published in the city of Indianapolis, of the requisite notice of the pendency of their petition, for twenty days prior to the 6th day of December, 1869, which is in the words following, to wit :

NOTICE.

Notice is hereby given, that the undersigned will apply to the Common Council of the city of Indianapolis, Indiana, on the 6th day of December, 1869, or as soon thereafter as they can be heard, to vacate the alley between lots numbered fifteen (15) and sixteen (16,) in Eckert's heirs' sub-division of out-lot number 131, in said city, from Eckert street to the alley running north from Merrill to Sharpe street, in said city.

FREDERICK W. FOUT,
JOHN STUMPH,
JOSEPH F. DESCHLER,
FREDERICK C. BALLMAN,
CHARLES BRINKMAN,
HENRY EMMESICH.

STATE OF INDIANA, }
MARION COUNTY, } ss.

Personally appeared before the undersigned, R. J. Bright, publisher of the Indiana State Sentinel, a public weekly newspaper of general circulation, printed and published in Indianapolis, in the county aforesaid, who being duly sworn upon his oath saith that the notice, of which the attached is a true copy, was duly published in said paper for three weeks successively, the first of which publication was on the 10th day of November, 1869.

Subscribed and sworn to before me, this 13th day of December, 1869.

[SEAL.]

WM. C. MORIARTY, *Notary Public.*

And also by posting up written notices at three of the most public places in the neighborhood of said alley, which is as follows, to-wit:

NOTICE.

Notice is hereby given, that the undersigned will apply to the Common Council of the city of Indianapolis, Indiana, on the 6th day of December, 1869, or as soon thereafter as they can be heard, to vacate the alley between lots numbered fifteen (15) and sixteen (16,) in Eckert's heirs' sub-division of out-lot number 131 in said city, from Eckert street to the alley running north from Merrill to Sharpe street, in said city.

FREDERICK W. FOUT,
JOHN STUMPH,
JOSEPH F. DESCHLER,
FREDERICK C. BALLMAN,
CHARLES C. BRINKMAN,
HENRY EMMERICH.

STATE OF INDIANA, }
MARION COUNTY, } ss.

Frederick W. Fout, of Marion county, Indiana, being duly sworn on his oath says, that he did, on the 11th day of November, A. D. 1869, post up written notices, of which the foregoing is a full and true copy, at the following three public places in the neighborhood of the lots and alleys mentioned in said notice, to-wit. One at the Grave Yard gate, near the office of the City Sexton; one on the pump, near the end of alley sought to be vacated; and one near the main door of John Rupp's grocery store, at the southwest corner of West street and Kentucky avenue; said notices being so placed and posted as best to reach the attention of the public, and the said places all being in the city of Indianapolis, in said county and State.

FREDERICK W. FOUT.

Subscribed and sworn to before me the undersigned, a Notary Public in and for said county of Marion and State of Indiana, this December 13th, 1869.

Witness my hand and Notarial seal.

[SEAL]

NAPOLEON B. TAYLOR, *Notary Public.*

ORDER OF VACATION.

INDIANAPOLIS, Dec. 13, 1869.

And there being no objection or remonstrance of which the Common Council has any knowledge, to the vacation of the alley mentioned in said petition, and the Common Council of the city of Indianapolis being fully advised in the premises, do hereby order and direct that the following described alley be vacated—the alley running east from Eckert street to the first alley running north and south, and dividing lots 15 and 16 in said out-lot 131.

Which was received, and the vacation ordered by the following vote:

Affirmative—Councilmen Brown, Cottrell, Gimber, Harrison,

Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Noes—none.

The Water Works ordinance being the special order, was taken up and acted upon section by section, as contained in the proceedings of December 20, 1869.

By consent, the word filtered was inserted between the words "pure," and "water," wherever the same occurs in the ordinance.

The first second and third sections were adopted.

Mr. Newman offered the following amendment to the fourth section :

Page 2, fourth line from the bottom—after the word "price," say: But in no case shall the price charged to the city for such water exceed fifty dollars per annum, for each hydrant or fire plug.

The question being on the adoption of the amendment.

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Harrison, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Heckman, Kahn, Kennington, Whitsit and Wiles—6.

So the amendment was adopted.

Mr. Harrison offered the following amendment :

Amend section four as follows :

Strike out the entire section, and in lieu thereof insert the following :

Section 4. Said Company, in the construction of said Water Works, shall erect and put in the pumps and machinery known as the "Holly System," with all the latest improvements, and in its best and most efficient form, with a maximum capacity for furnishing at least six millions of gallons, liquid measure of water daily, with the proper power to throw eight streams of water at one time, and at all times, when needed or wanted by said city authorities, through a one inch nozzle, at each, one hundred feet vertically, at any and all points in said city, where the hydrants or water plugs shall be put in, or located, and cause the application of such power, in all cases where it shall be needed for fire purposes, from as many fire plugs or hydrants, not

exceeding eight, as may be needed, until such fire or fires shall be extinguished, and to keep and maintain said Water Works in the most efficient order to extinguish fires with the greatest thoroughness the system and works are susceptible of. The said building shall be erected and machinery put in under the supervision of the Holly Manufacturing Company, and subject to their approval, and the pipes and mains of such material and of such sizes and proportions as they may approve, and to be maintained at all times in complete and perfect order and properly connected with the mains supplying the city with water. Said water shall be pumped directly from wells dug or sunk as near White river as shall be deemed advisable or practicable by said Holly Manufacturing Company. Said wells are not to connect with the channel of the river or any other open stream or channel; the water in said wells to be derived from the natural filtering or percolation through the gravel in its natural place, and the water so derived, shall be preserved pure, and furnished to the said city and citizens thereof, upon the several streets upon which pipes and water courses may be laid, and in such cisterns and localities off from said pipes and water courses as the city may conduct the same to, such quantity of water as may be required by the City Council for public use, and drainage, and fire purposes, and upon such terms and conditions as may be agreed upon between said Company and said Council, but in no case is said city to pay more for such supply of water than the average price paid by other cities of the United States of like population that are supplied with as efficient supply of water; nor in any case is said city to pay more than fifty dollars per annum per hydrant or fire plug; and for the purpose of furnishing the said city such supply of water, the said Company shall erect and attach as many hydrants and fire plugs as the Council may direct, and from which hydrants or fire plugs the said city shall drain all water necessary for the prevention or extinguishment of fires, washing, cleansing, cooling, flushing or sprinkling the streets, pavements, gutters, alleys, sewers and public grounds. And the said city may also attach to each hydrant or fire plug a cock, faucet or nozzle, from which water may be drawn by citizens and passers by, for all purposes of drinking for persons or animals, and said Company shall afford said city all needed facilities for attaching such cocks, faucets or nozzles.

Mr. Kennington moved to lay the amendment on the table.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Heckman, Kahn, Kennington, Locke, Shepherd, Thalman, Thoms, Whitsit, Wiles and Weaver—11.

Those who voted in the negative were Councilmen Cottrell, Gimber, Harrison, Marsee, Newman; Pyle and Woodburn—7.

So the amendment was laid on the table.

Mr. Brown offered the following amendment:

Insert after the words "gallons liquid measure daily," the words: Or such

other system of Water Works as shall be deemed best by such Company, for a sufficient supply of pure filtered water, for the use of the city of Indianapolis and its citizens.

The question being on the adoption of the amendment.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber; Harrison, Heckman, Kennington, Locke, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—14.

Those who voted in the negative were Councilmen Kahn, Marsee, Newman and Pyle—4.

So the amendment was adopted.

Dr. Woodburn moved to strike out the words, "that are supplied with as efficient Water Works," in the fourth section.

The question being on striking out.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Harrison, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Weaver, Whitsit and Woodburn—12.

Those who voted in the negative were Councilmen Gimber, Heckman, Kahn Kennington, Thoms and Wiles—6.

So the motion to strike out was adopted.

Mr. Newman offered the following amendment:

At the end of section four:

Provided, That no such water, to be supplied by said Company to the city and citizens, shall be taken from the Central Canal, River, Creek, or other open stream, except by consent of the Council of the city.

Mr. Brown moved to strike out all except the Central Canal, in the amendment.

The question being to strike out.

Those who voted in the affirmative were Councilmen Brown, Kahn, Whitsit and Wiles—4.

Those who voted in the negative were Councilmen Gimber, Harrison, Heckman, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver and Woodburn—14.

So the motion to strike out was lost.

The question being on the adoption of Mr. Newman's amendment.

Those who voted in the affirmative were Councilmen Cottrell, Gimber, Harrison, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver and Woodburn—13.

Those who voted in the negative were Councilmen Brown, Heckman, Kahn, Whitsit and Wiles—5.

So the amendment was adopted.

Mr. Brown moved to lay the ordinance on the table.

The question being on laying the ordinance on the table.

Those who voted in the affirmative were Councilmen Brown, Kahn, Locke, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Cottrell, Gimber, Harrison, Heckman, Kennington, Marsee and Shepherd—7.

So the ordinance was laid on the table.

By consent, Mr. Brown presented the following petition:

INDIANAPOLIS, Dec. 27, 1869.

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

GENTLEMEN:—On a previous occasion, the Pittsburgh, Cincinnati and St. Louis Railway Company petitioned your honorable body to grant them the right to lay down certain tracks across Virginia avenue and on their own grounds, and to connect same with the tracks in their new depot, then in process of erection. The privilege was granted them, when they, supposing the previous permit gave them also the right to connect their tracks at that end of the depot, commenced work for that purpose, when work was stopped by order from your honorable body, and upon investigation they find they were mistaken in the rights previously granted them, as that gave them only the right to connect their tracks at east end of depot. Therefore, they would now respectfully petition that you grant them the right to put down an ad-

ditional track across Delaware street, for the purpose of connecting their north local track in depot with main side track, the Railway Company agreeing to plank said street, at their own expense, in such manner as you may direct.

This connection is of the greatest importance to them, not only for the accommodation of their own business, but now, furnishing as they do depot room for both the Crawfordsville and Vincennes Roads, it is highly important that this connection be made, to accommodate the business of these roads.

A sketch of the grounds is herewith attached,

Respectfully submitted,

J. F. MILLER,

Superintendent Pittsburgh, Cincinnati and St. Louis Railway.

Mr. Wiles, from the Committee on Railroads, made the following report on the subject contained in the above petition :

INDIANAPOLIS, Dec. 27, 1869.

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

Resolved, That — Francis be allowed the privilege of laying a switch on Missouri street, from his coal yard, alongside of and connecting with, the Indianapolis, Cincinnati and Lafayette Railroad, at a point near the crossing or within 25 feet south of Potomac alley with said railroad track; said work to be done according to the direction of the City Civil Engineer, and at the expense of the petitioners.

We also have to report, that we have secured and herewith present a time table, regulating the running of all regular trains that come into the city and go out of the Union Depot. But it is our opinion that, inasmuch as the greatest difficulty and trouble at the crossings is occasioned by the running of the irregular transfer freight trains, no material benefit would be obtained by restricting or dealing with regular trains alone. We suggest that the Council direct the printing of two hundred (200) copies of the enclosed time table, to which be annexed the ordinance regulating the running of all trains within the city limits, for the use of each engineer and conductor in charge of an engine or train running in the city. We also recommend that the Marshal be instructed to notify the Superintendent of the Union Railway tracks, that all engines must be detached from their trains while said trains are standing in said depot, awaiting time for their departure.

We also, at the request of parties interested, visited and carefully examined that part of South Delaware street, directly west of and opposite to the west end of the Pittsburgh, Cincinnati and St. Louis Railroad's new depot, it being the place at which said Railroad Company had commenced laying an additional crossing over said South Delaware street, but were stopped by order of the City Council on last Council meeting. We beg to report that it is our opinion that, inasmuch as freight trains could, after said crossing is laid, enter the depot at the west end, instead of running to the other end of the switch and backing into the depot, much annoyance at the crossings further east would be avoided, while no additional time and but very little space need be consumed by the trains at the west end of said depot. We therefore submit the following resolution, and recommend its adoption :

Resolved, That the prayer of the petition of the Pittsburgh, Cincinnati and St. Louis Railroad Company be granted; *Provided*, That the said Company shall plank the entire space between the tracks now laid upon Delaware street and its sidewalks, and the track which it is proposed to lay upon said Delaware street and its sidewalks, and the space of eighteen inches from the outer rail which it is proposed to lay down.

Respectfully submitted,

W. D. WILES,
FR. THOMS,
JAMES McB. SHEPHERD, } Committee.

The report was received and the resolution adopted, by the following vote :

Affirmative—Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Councilman Cottrell voting in the negative.

Mr. Locke offered the following motion :

That the vote by which it was ordered to place upon the City Tax Duplicate for 1869 the property of the Citizens' Street Railway Company be, and the same is hereby reconsidered, and that the question be now referred to a select committee of three, with instructions to examine the matter, and report to this Council for its further action.

Mr. Marsee moved to lay the motion on the table.

Those who voted in the affirmative were Councilmen Harrison, Kennington, Marsee, Thalman and Whitsit—5.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Locke, Newman, Pyle Shepherd, Thoms, Weaver, Wiles and Woodburn—13.

So the motion to lay on the table was lost.

On motion, the Council adjourned.

Daniel Macauley
DANIEL MACAULEY, Mayor.

ATTEST:

S. M. Ransdell
~~D. M. Ransdell~~, City Clerk.