

PROCEEDINGS

OF THE

COMMON COUNCIL,

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, JANUARY 24, 1870, 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, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Wiles and Woodburn—16.

Absent—Councilmen Cottrell and Whitsit—2.

The proceedings of the regular session held January 17, 1870, were read and approved.

Mr. Brown moved that the rules be suspended, for the purpose of passing the following ordinance :

AN ORDINANCE amendatory of an ordinance entitled, "An ordinance authorizing the Water Works Company of Indianapolis to construct, maintain and operate water works, and supply water to the city and citizens of

Indianapolis; defining their powers and privileges, and prescribing their duties," ordained and established the third day of January, 1870.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the first clause of section three of an ordinance entitled, "An ordinance authorizing the Water Works Company to construct, maintain and operate water works, and supply water to the city and citizens of Indianapolis; defining their powers and privileges, and prescribing their duties," ordained and established the 3d day of January, 1870, be amended by striking out the words "apply the same in" where they occur in said clause, and substituting therefor the words "supply the same for," so that said clause as amended will read as follows :

"That in the construction of said works, the Company shall adopt what is known as "the Holly system," with all its latest improvements, and in its best and most efficient form, with a maximum capacity of at least six million gallons liquid measure daily, and shall maintain the same in such condition as to be capable of throwing eight streams at once, one hundred feet vertically, through one inch nozzles, and shall supply the same for the extinguishment of fires as emergencies may require, under regulations to be prescribed by the Common Council."

And that the last clause of said section be amended by striking out the words "National Road," where they occur in said clause, and substituting therefor the words "Maryland street."

SEC. 2. That the last clause of section four of said ordinance, which clause commences with the words "And should the city or its citizens," etc., be stricken out, and the following clause be inserted in the place thereof: "Should said Company be guilty of a substantial breach of any of the provisions of this ordinance, it shall, on a judicial declaration by any court of competent jurisdiction that such breach has been committed, be liable to a forfeiture of its rights under this charter."

SEC. 3. That section seven of said ordinance be stricken out, and the following substituted in the place thereof: "That the Common Council of the city of Indianapolis reserves to itself the right of purchase contained in section 9 of an act of the General Assembly of the State of Indiana, approved March 6, 1865, entitled, "An act to authorize the formation of companies for the construction of Water Works, in and for incorporated cities; to enable such cities to subscribe stock in such companies, and to issue and sell bonds for the payment thereof." *Provided,* That no purchase shall be made by the City Council until the terms agreed upon, or settled by arbitration as aforesaid, shall be ratified by a majority of the legal voters of the city.

The question being on a suspension of the rules.

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrlson, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Shepherd, Tnalman, Thoms, Weaver, Wiles and Woodburn—15.

Councilman Newman voting in the negative,

So the rules were suspended, and the ordinance was read the first and second times, and each section considered and voted upon separately.

Mr. Brown moved to amend the first section, by inserting the words, "that quantity of power," so as to make the ordinance read after the word nozzles, "and shall supply that quantity of power for the extinguishment of fires when emergencies may require."

The question being on Mr. Brown's amendment.

Those who voted in the affirmative were Councilmen Brown, Gimber, Heckman, Kahn, Locke, Marsee, Shepherd, Wiles and Woodburn—9.

Those who voted in the negative were Councilmen Harrison, Kennington, Newman, Pyle, Thalman, Thoms and Weaver—7.

So the amendment was adopted.

The second amendment in the first section, substituting "Maryland street" in lieu of the "National Road."

Was adopted.

The first section was then adopted as a whole.

Mr. Brown offered the following amendment to the second section:

SEC. 2. That section four of said ordinance be amended by adding at the end thereof the following:

Provided, That whether a substantial breach of the provisions of this ordinance shall have been committed, shall be determined by a judicial declaration by a court of competent jurisdiction, before a forfeiture of the rights of the Company, under this ordinance, shall take place, or their claim for payment of the stipulated price for hydrants.

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

Those who voted in the affirmative were Councilmen Gimber, Harrison, Kahn, Kennington, Newman, Pyle, Shepherd, Thalman and Thoms—9.

Those who voted in the negative were Councilmen Brown, Heckman, Locke, Marsee, Weaver, Wiles and Woodburn—7.

So the motion to lay on the table was adopted.

Mr. Shepherd moved to reconsider the vote taken above, laying Mr. Brown's motion on the table.

The question being on reconsidering.

Those who voted in the affirmative were Councilmen Brown, Heckman, Locke, Marsee, Pyle, Shepherd, Weaver, Wiles and Woodburn—9.

Those who voted in the negative were Councilmen Gimber, Harrison, Kahn, Kennington, Newman, Thalman and Thoms—7.

So the vote was reconsidered.

The question then recurring on Mr. Brown's motion to amend.

Those who voted in the affirmative were Councilmen Brown, Harrison, Heckman, Locke, Marsee, Pyle, Shepherd, Weaver, Wiles and Woodburn—10.

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

So the amendment was adopted.

The second section was then adopted.

Mr. Kennington moved to strike out the third section.

Those who voted in the affirmative were Councilmen Gimber, Harrison, Kahn, Kennington, Marsee, Newman, Shepherd, Thalman, Thoms, Weaver and Wiles—11.

Those who voted in the negative were Councilmen Brown, Heckman, Locke, Pyle and Woodburn—5.

So the section was stricken out.

On motion the ordaining section of the original ordinance, granting the water works charter, was made the third section, and ordaining section of the present ordinance.

A motion was then made to engross the ordinance, which motion was adopted by the following vote :

Affirmative—Councilmen Brown, Heckman, Kahn, Locke, Marsee, Pyle, Shepherd, Thalman, Thoms, Weaver, Wiles and Woodburn—12.

Negative—Councilmen Gimber, Harrison, Kennington and Newman—4.

The ordinance was then read the third time, and placed upon its passage.

The question being shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent, the following papers were received and referred to the Committee on Fire Department :

Resolved, That the Committee on Fire Department be, and they are hereby instructed to open correspondence with the various steam fire engine builders, asking propositions for supplying this city with two (2) or more first-class engines, and also that said committee, with the Chief Fire Engineer, are instructed to examine as to the needed capacity of the cisterns, with reference to a supply of water for the extinguishment of fires in the compactly built portions of the city, and report to this Council next Monday evening.

INDIANAPOLIS, Jan. 24, 1870.

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

GENTLEMEN :—We propose to rebuild your Latta steam fire engine, by putting on New pump, cylinder and doctor, and all other necessary works connected therewith.

The pump to be six and one-half inches bore, and fourteen inch stroke; steam cylinder to be eleven and one-half inch bore, and fourteen inch stroke; put on a horizontal doctor, with all the latest improvements thereon; all to be done in a good and workmanlike manner, and in manner and style like the fire engines now in use in Cincinnati, Ohio.

We will warrant said engine, when completed, to throw a one and three-eighth ($1\frac{3}{8}$) inch stream in diameter, two hundred and seventy-five (275) feet horizontally, or to throw two streams one (1) inch in diameter two hundred and twenty (220) feet each.

We will also furnish a new rubber suction, four and one-half ($4\frac{1}{2}$) inches in diameter and twenty-two (22) feet long, and four (4) suitable nozzles.

We will pay all freight, but will not be responsible for any damage from shipment.

All of said work to be done, and engine returned, within seven (7) weeks from date of contract.

For and in consideration of said work, and freight on said engine, we will charge the sum of twenty-six hundred dollars (\$2,600).

Respectfully submitted,

C. AHRENS & CO., Steam Fire Engine Builders.

Cincinnati, Ohio.

INDIANAPOLIS, Jan. 24, 1870

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

GENTLEMEN:—The undersigned respectfully represents to your honorable body, that he is, has been, and now is, engaged in the Driven Well trade, and makes the proposition following:

I will put a well at the intersection of any two streets, to be selected by myself and the Chief Fire Engineer, of sufficient capacity to supply any one of the three steam fire engines with water for an unlimited time; the engine can be hitched to it, and keep pumping until it wears out, if necessary, before the supply shall be exhausted. If the well don't do it, the city to be at no expense, but when it proves a success, then the city to pay me for the necessary expenditures incurred for piping, labor, and the royalty; and will then make as many as may be necessary in the city, at such prices as may be agreed upon.

In this proposition, I will be at all the expense, until the officials of the city are satisfied that it will work.

It has been tested not only abroad but in our own city—at the Indianapolis Rolling Mill Company's building, South Tennessee street.

Respectfully submitted,

R. R. ROUSE, General Agent.

His Honor, the Mayor, presented the following petition:

INDIANAPOLIS, Jan. 24, 1870.

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

GENTLEMEN:—Your petitioner prays that you will grant him a quarterly license as auctioneer in this city.

Respectfully submitted,

M. DELLÉFELT.

On motion the Council adjourned to meet Wednesday evening,
January 26, 1870, at 7 o'clock.

Daniel Macauley
DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. Russell
~~D. M. Russell~~, *City Clerk.*