

PROCEEDINGS
OF THE
COMMON COUNCIL

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
TUESDAY, APRIL 12, 1870, 7½ O'CLOCK, P. M. }

The Common Council met pursuant to adjournment.

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.

His Honor announced that the special order for the evening was
the consideration of the Sewerage question.

By unanimous consent the special order was suspended for the
purpose of taking up and passing appropriation ordinances.

Special appropriation ordinance No. 14, 1870, entitled :

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

Was 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, Cottrell, Gimber, Harrison, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Negative—none.

So the ordinance passed.

Special appropriation ordinance No. 15, 1870, entitled :

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

Was 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, Cottrell, Gimber, Harrison, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

So the ordinance passed.

His Honor, the Mayor, presented the following communication :

INDIANAPOLIS, April 5, 1870.

Hon. Daniel Macauley, Mayor of the City of Indianapolis :

DEAR SIR:—By reason of the terms of the contract, leasing to the city that part of our building above the first story, dated 19th February, 1870, we hereby notify you that the property so leased is now ready for occupancy, and you can take possession of said property on the 15th day of April, the day specified in said lease.

Respectfully yours,

COTTRELL & KNIGHT.

Which was received.

Mr. Marsee from the Committee on Sewerage, reported back General ordinance No. 53, 1869, entitled :

AN ORDINANCE providing the manner of raising a revenue for the construction of Sewers in the City of Indianapolis :

Which was read the second time by the Clerk.

Mr. Whitsit offered the following as a substitute for section 2, of the above entitled ordinance :

SEC. 2. The Sewerage Fund of such city shall be made up of the proceeds of the sale of City Sewerage bonds, the revenues derived from general taxation for sewerage purposes, the interest which shall accrue from the deposit in bank of such fund, or any part thereof, and any special taxes collected for the privilege of making house connections with the public sewers, which last named special taxes shall only be collected from the owners of lots and lands fronting on streets where sewers have been constructed entirely at the public expense ; and, also, the proceeds of collections of special assessments against the owners of such lots and lands as may be benefited thereby ; *provided*, that in assessing such special benefits to owners of lots and lands, no assessments shall be made, except for the privilege of making house connections, against the owners of lots or lands fronting on the line of the great main sewers to be constructed in and along Kentucky Avenue, Washington street, Massachusetts Avenue, South street and Fletcher Avenue.

Mr. Newman moved to lay the substitute as offered by Mr. Whitsit, on the table.

Mr. Whitsit called for the ayes and noes.

The question being to lay on the table,

Those who voted in the affirmative were, Councilmen Locke, Newman, Pyle, Wiles and Woodburn—5.

Those who voted in the negative were, Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Shepherd, Thalman, Thoms, Weaver and Whitsit—13.

So the motion to lay on the table was lost.

Mr. Wiles offered the following amendment :

Collected from property owners on each side of the street along which the improvement is made, and also, all sums received from the appraisalment of benefits.

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

Mr. Wiles called for the ayes and noes :

The question being to lay on the table.

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Shepherd, Thalman, Thoms, Weaver, Whitsit and Woodburn—15.

Those who voted in the negative were, Councilmen Harrison, Pyle and Wiles—3.

So the amendment as offered by Mr. Wiles was laid on the table.

The question being on the adoption of the substitute offered by Mr. Whitsit :

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman, Thoms and Whitsit—10.

Those who voted in the negative were, Councilmen, Harrison, Kahn, Locke, Newman, Pyle, Weaver, Wiles and Woodburn—8.

So the substitute offered by Mr. Whitsit was adopted.

The ordinance as amended, was then read through.

Mr. Kahn offered the following amendment :

No bonds issued for the purpose of sewerage, shall bear a larger rate of interest than eight per cent, nor shall be sold at less than par.

Mr. Whitsit moved to lay the amendment on the table, and called for the ayes and noes.

The question being to lay the amendment on the table.

Those who voted in the affirmative were, Councilmen, Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman, Thoms, Whitsit and Woodburn—11.

Those who voted in the negative were, Councilmen Harrison, Kahn, Locke, Newman, Pyle, Weaver and Wiles—7.

So the amendment was laid on the table.

Mr. Newman offered the following amendment :

This ordinance shall not be in force, nor take effect, until the same shall be submitted to a vote of the people of the city after thirty days notice.

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

Mr. Wiles called for the ayes and noes.

The question being to lay the amendment on the table.

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Heckman, Marsee, Shepherd, Thalman, Thoms and Whitsit—9.

Those who voted in the negative were, Councilmen Harrison, Kahn, Kennington, Locke, Newman, Pyle, Weaver, Wiles and Woodburn—9.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So the amendment was laid on the table.

The question then being shall the ordinance be ordered engrossed.

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman, Thoms and Whitsit—10.

Those who voted in the negative were, Councilmen Harrison, Kahn, Locke, Newman, Pyle, Weaver, Wiles and Woodburn—8.

So the ordinance was ordered engrossed.

The ordinance was then read the third time.

Mr. Harrison moved to adjourn.

Which was lost.

Mr. Newman moved that the further consideration of the ordinance be postponed until next Saturday night.

Which was lost.

The question being, shall the ordinance pass?

Those who voted in the affirmative were, Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Shepherd, Thalman, Thoms and Whitsit—10.

Those who voted in the negative were, Councilmen Harrison, Kahn, Locke, Newman, Pyle, Weaver, Wiles and Woodburn—8.

So the ordinance passed.

The following is the ordinance as passed:

5' AN ORDINANCE providing the manner of raising a revenue for the construction of sewers in the City of Indianapolis.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That all public sewers, the construction of which shall be ordered by the Common Council of such city, shall be paid for out of the Sewerage Fund of such city, and the Common Council shall, before proposals are received and contracts awarded for the construction of any public sewer or sewers, cause the constructing engineer to prepare a careful estimate of the whole cost of such sewer or sewers, and submit the same to the Common Council, and on the reception of such estimate the Common Council shall order the issuance of City Sewerage Bonds, of such denomination and for such amounts, and payable at such times, as the Common Council shall order; such bonds to be negotiable in the manner provided for by section five (5) of this ordinance.

SEC. 2. The Sewerage Fund of such city shall be made up of the proceeds of the sale of City Sewerage Bonds, the revenues derived from general taxation for sewerage purposes, the interests which shall accrue from deposits in bank of such fund, or any part thereof, and the special taxes collected for the privilege of making house connections with the public sewers; which last named special taxes shall only be collected from the owners of lots and lands fronting on streets where sewers have been constructed entirely at the public expense; and, also, the proceeds of collections of special assessments against the owners of such lots and lands as may be benefitted thereby; *provided,* that in assessing such special benefits to owners of lots and lands, no assessments shall be made, except for the privilege of making house connections, against the owners of lots or lands fronting on the line of the great main sewers to be constructed in and along Kentucky avenue, Washington street, Massachusetts avenue, South street and Fletcher avenue.

SEC. 3. A Committee to be elected by the Common Council shall be authorized to make loans for sewerage purposes, by the sale of such City Sewerage Bonds as may from time to time be authorized to be issued by the Common Council; and all sales of such bonds shall be made as follows, and in no other manner: Three (3)

weeks' notice shall be given, by advertisement in each of the daily newspapers, and in each of the German newspapers published in the city of Indianapolis; and also in two (2) of the daily newspapers published in each of the cities of New York, Boston and Philadelphia, of the time of receiving proposals for the purchase of such City Sewerage Bonds; and such notice shall distinctly state the hour and day on which, and the office at which, sealed proposals for the purchase of any part of the City Sewerage Bonds will be received; also stating the amount authorized to be sold, the time the bonds have to run, and the rate of interest thereon. At the time fixed for the opening of such proposals, such Committee, or a majority of the members composing the same, shall, in the presence of the City Clerk and Mayor, proceed to open such proposals, and the City Clerk shall carefully enter in a book, to be kept for that purpose, the proposals contained in each bid, noting the name of the bidder, the date of his bid, the amount of bonds of different denominations, and the price proposed for the same. When all of such proposals shall have been opened, the Committee shall prepare a condensed report of such proposals, attested by the City Clerk and Mayor, and shall append thereto a recommendation to the Common Council for the awarding of so much of such loan as they may agree should be awarded, and also present such report to the Common Council at its next meeting, which report shall take precedence of all other business. In case the Common Council shall concur in the recommendation contained in such report, the loan shall be declared awarded, and on the filing with the City Clerk the certificate of the City Treasurer that the requisite amount has been paid to such Treasurer, by any person to whom such loan or any part thereof has been awarded, then such City Clerk shall issue to such person, or his duly authorized attorney or agent, the bonds he is entitled to receive. In case any vacancy shall occur in such Committee by expiration of term of service as Councilman or otherwise, the Common Council shall fill such vacancy as soon thereafter as practicable.

Sec. 4. The City Clerk shall keep registers, showing the number and denomination of each class of City Sewerage bonds issued, the date thereof, and the name of the person to whom the same was issued or delivered, and shall, also, note on such registers the payment of semi-annual interest by the redemption of coupons, with the date thereof, and the date of the redemption and canceling of each bond, when the same shall be redeemed and canceled. All coupons and redeemed bonds shall be carefully preserved by the City Treasurer, and submitted to, and canceled by a Committee of the Common Council appointed for that purpose, which Committee shall see that the City Clerk makes on the registers of bonds the entries which he is by this section required to make.

Sec. 5. The proceeds of the sales of such bonds, as the same shall be paid to the City Treasurer, shall be, by him, deposited in some bank in the City of Indianapolis, on the same day in which such proceeds, or any part thereof shall, from time to time, be paid to such Treasurer, and all such deposits shall be so made as to draw not less than four (4) per cent. interest per annum, and all such interest shall be credited to the sewerage fund of the city. Whenever the Common Council shall make payments to any contractor for work done, or shall order the payment of any semi-annual interest or the principal of any City Sewerage Bonds, such payments shall be made only, in pursuance of an appropriation authorized by an ordinance of the Common Council, and no warrant shall be drawn on such fund except in pursuance of an ordinance to that effect, nor shall any money be drawn from such fund except for sewerage purposes.

Sec. 6. The Common Council shall annually levy and assess on all the property returned for taxation by the assessor, a general tax sufficient to pay the semi-annual interest which may become due on the City Sewerage Bonds, and shall cause to be levied and assessed on all the property returned, for taxation by the assessor

a general tax sufficient to raise a revenue the net amount of which shall be sufficient to pay at least five (5) per cent of the whole amount of the principal of all outstanding City Sewerage Bonds issued, which revenue when collected shall, after deducting the City Treasurer's per cent. for collecting the same, be deposited by such Treasurer in some bank in such city at a rate of interest not less than four (4) per cent. per annum, which interest shall be credited by such bank to the sewerage fund of such city, and all collections of such revenue shall be kept separate from the general collections of the City Treasurer, and deposited in such bank as aforesaid on the same day the same shall be paid to the City Treasurer. Prior to the maturity of any part of such bonds the Common Council shall provide for the redemption of the same, by appropriations from the Sewerage Fund, by the passage of ordinances to that effect, and the City Clerk and the City Treasurer shall, on the 1st day of January, April, July and October, of each year, report, in writing, to the Common Council, statements showing the actual receipts of and disbursements from such fund, including the interest accrued on deposits and the redemption of interest coupons, and the City Clerk shall, at such times, make an additional report, showing at what date any part of the principal or interest of any such bonds will mature, with the amount thereof. The Common Council shall require of any bank where any deposits are made of City Sewerage Funds, from time to time, to give bonds with sufficient security to secure such deposits.

SEC. 7. After the completion of any sewer, all fees paid for the privilege of making house connections to the same shall be paid to the City Treasurer and kept separate and deposited by him to the credit of the Sewerage Fund, in the same manner as provided in section six (6) of this ordinance, in cases when sewerage taxes are provided to be collected and deposited, and the interest on such deposits shall be credited to the Sewerage Fund.

SEC. 8. All repairs of sewers shall be paid for out of the Sewerage Fund, unless the Common Council should deem it best to levy a general tax for that purpose, in which case the revenue derived from such taxes shall be credited to a separate fund to be called the Repairs of Sewer Fund.

SEC. 9. This ordinance shall be in force from and after its passage.

Ordained and established this 12th day of April, 1870.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANSELL, *City Clerk*.

His Honor, the Mayor, presented the following communication:

INDIANAPOLIS, April 12, 1870.

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

GENTLEMEN:—The Street Railway Company are now ready to commence the work of double-tracking their lines, and respectfully request that an order be made directing the City Engineer to set the grade stakes.

Respectfully submitted,

THE CITIZENS ST. RW. CO.

Which was received.

Also, the following motion :

That the City Engineer, be and he hereby is, directed to set the grade stakes on such parts of streets as the Street Railway Company propose to occupy in double-tracking their lines of road.

Which was adopted.

By unanimous consent the rules were suspended, and Special ordinance No. 52, 1870, entitled :

AN ORDINANCE to provide for grading and bouldering New Jersey street from the south side of Massachusetts avenue, to the south side of Fort Wayne avenue.

Was read the third time and placed upon its passage.

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

Negative—none.

So the ordinance passed.

By consent Mr. Thalman presented the following petition :

INDIANAPOLIS, April 12, 1870.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Blake street, between Rhode Island street and Indiana avenue, and adjoining said streets, respectfully petition your honorable body to pass an order vacating ten feet of ground of the east ends of lots 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, in Athon's and Elliott's sub-division of out lot 158, for the purpose of making Blake street a uniform width of sixty feet, the same now only being fifty feet from Rhode Island street to Indiana avenue.

Respectfully submitted,

J. S. WOOD,
J. W. PATTERSON,
HILPOT HARIS,
DANIEL HOOVER,
And 4 others.

Which was referred to the Committee on Streets and Alleys.

On motion the Council adjourned.

Daniel Macauley
DANIEL MACAULEY, Mayor.

ATTEST:

D. M. Mansfield
~~D. M. Mansfield~~, City Clerk.