

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

ADJOURNED SESSION;

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS, }  
THURSDAY, AUGUST 4, 1870, 7½ O'CLOCK P. M. }

The Council met pursuant to adjournment.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,  
and the following members :

Councilmen Brown, Cottrell, Harrison, Heckman, Kahn, Kenning-  
ton, Marsee, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit,  
Wiles and Woodburn—15.

Absent—Councilmen Locke, Newman and Pyle—3.

The special order for the meeting being the consideration of peti-  
tions for vacation.

The following order for vacation was taken up :

In the matter of the petition of Kingan & Co., et al. Come now the petitioners and produce proof that they have given proper notice of their intention to apply to this Council to vacate Water street, between Maryland street and the City Cemetery, in the city of Indianapolis, by advertising twenty days in the Indiana State Sentinel, a newspaper of general circulation, printed and published in the city of Indianapolis: Which proof is as follows :

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, Indiana, for the vacation of Water street, between Maryland street and the City Cemetery, and that the same will be heard by such Council at its meeting, to be held on Saturday evening, July 9, 1870, or at some subsequent meeting.

KINGAN & CO.,  
J. C. FERGUSON,  
And others.

STATE OF INDIANA, }  
MARION COUNTY, } ss.

Personally appeared before the undersigned J. J. Bingham, editor of the Indiana State Sentinel, a public Weekly Newspaper of general circulation, printed and published in the city of 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 15th day of June, 1870.

J. J. BINGHAM.

Subscribed and sworn to before me, this 27th day of July, 1870.

[SEAL]

W. C. MORIARTY,  
Notary Public.

Received of Kingan & Ferguson, three dollars in full for publishing the above notice, and fifty cents for Notary's fees.

And also, by posting up notices, which proof is as follows, to-wit:

STATE OF INDIANA, }  
MARION COUNTY. } ss.

Personally appeared before me, a Notary Public, in and for said County, this 27th day of July, A. D., 1870, William G. W. Lyons, being duly sworn upon oath says that he posted up in public places, within Center township, said Marion county, three several notices, in words and figures following, to-wit:

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, Indiana, for the vacation of Water street, between Maryland street and the City Cemetery, and that the same will be heard by such Council at its meeting, to be held on Saturday evening, July 9, 1870, or at some subsequent meeting.

KINGAN & CO.,  
J. C. FERGUSON,  
And others.

That is to say, one on Ferguson & Company's fence on Water street, one on the division fence between Kingan & Ferguson, and one on Kingan's Pork House.

WM. G. W. LYONS.

Subscribed and sworn to. Witness my hand and Notarial seal.

[SEAL]

W. C. MORIARTY,  
Notary Public.

And no person appearing to object to said vacation, and it appearing to the satisfaction of the Common Council, that said petitioners have complied with the law in giving the requisite notice, and the Council being fully advised in the premises, it is, therefore, ordered and decreed by the Common Council, that Water street, between Maryland street and the City Cemetery, be and the same is hereby vacated.

Which vacation was ordered by the following vote :

Those who voted in the affirmative were, Councilmen Brown, Heckman, Kahn, Kennington, Shepherd, Thoms, Weaver, Wiles and Woodburn—9.

Those who voted in the negative were, Councilmen Cottrell, and Whitsit—2.

Also, the following :

In the matter of the petition of Samuel C. Vance, W. P. Fishback, and J. L. Mitchell. Come now the petitioners and produce proof that they have given proper notice of their intention to apply to this Council to vacate the first alley north of Market street and east of Highland avenue, in the city of Indianapolis, by advertising twenty days prior to June 11, 1870, in the Weekly Indiana State Journal, a newspaper of general circulation printed and published in the city of Indianapolis, for three weeks successively, which proof is as follows, to-wit:

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, for the vacation of the first alley north of Market street, and east of Highland avenue, and that such petition will be taken up for action at the meeting of the Common Council to be held in the city of Indianapolis, Saturday, June 11, 1870, or at some subsequent meeting.

SAM'L C. VANCE,  
W. P. FISHBACK,  
J. L. MITCHELL,

STATE OF INDIANA, }  
MARION COUNTY. } ss.

Personally appeared before the undersigned, Ansel C. Grooms, a Notary Public, Henry A. Loudon, clerk for Douglass & Conner, publishers of the Weekly Indiana State Journal, a newspaper of general circulation, printed and published in the city of 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 20th day of May, 1870, and the last on the 3d day of June, 1870.

HENRY A. LOUDON.

Subscribed and sworn to before me, this tenth day of June, 1870.

[SEAL.]

ANSEL C. GROOMS, Notary Public.

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

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, for the vacation of the first alley north of Market street, and east of Highland avenue, and that such petition will be taken up for action at the meeting of the Common Council, to be held in the city of Indianapolis, on Saturday, June 11, 1870, or at some subsequent meeting.

SAM'L C. VANCE,  
W. P. FISHBACK,  
J. L. MITCHELL.

STATE OF INDIANA, }  
MARION COUNTY. } ss.

George Lyne, of the city of Indianapolis, in said county and State, being duly sworn, says that he did, on the twentieth day of May, 1870, put up printed notices, of which the foregoing is a full and true copy, at three of

the most public places in the neighborhood of the alley described in said notice.

Attest:

his  
GEORGE X LYNE.  
mark.

C. A. WRIGHT.  
DELOS G. WRIGHT.

Subscribed and sworn to before me, this 17th day of June, 1870.

[SEAL.]

CHARLES A. WRIGHT.

And no person appearing to object to said vacation, and it appearing to the satisfaction of the Council that said petitioners have complied with the law, as to giving the requisite notice, and the Council being fully advised in the premises, it is, therefore, ordered, adjudged, and decided, by the Common Council, that the first alley north of Market street, and east of Highland avenue, in the city of Indianapolis, be, and the same is hereby vacated.

Which was adopted by the following vote :

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

Those who voted in the negative were, Councilmen Cottrell, Kennington and Whitsit—3.

Also, the following :

In the matter of the petition for the vacation of the following described alley, running north and south on the east side of lot number 8, of James Greer's sub-division of out-lot number twenty-nine, (29), of the city of Indianapolis, and more particularly described as follows, to-wit :

Commencing at a point 330 feet west of the west line of Mississippi street, and 70 feet north of the north line of Merrill street, thence north 40 feet, said alley being ten feet wide and lying on the east side of said lot 8, in said sub-division of said out-lot 29.

Comes now the petitioner, and produce proof that she has given the legal notice of the petition to vacate the above described alley, in the Indiana State Sentinel, a newspaper of general circulation, printed and published in the city of Indianapolis : which proof is as follows, to-wit :

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, for the vacation of the following described alley: A ten (10) foot alley running north, on the east side of lot number 8, of James Greer's subdivision of out-lot number 29, of the city of Indianapolis, and more particularly described as follows:

Commencing at a point 330 feet west of the west line of Mississippi street, and 70 feet north of the north line of Merrill street; thence north 40 feet; said alley being ten (10) feet wide, and lying on the east side of said lot 8, in said subdivision of said out-lot 29.

JULIA BRENNAN.

INDIANAPOLIS, January 25, 1870.

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 26th day of January, 1870.

R. J. BRIGHT.

Subscribed and sworn to before me, this 21st day of March, 1870.

[SEAL.]

ALVIN D. MAY,  
Notary Public.

STATE OF INDIANA, }  
MARION COUNTY. } ss.

Before me, Alvin D. May, a Notary Public for the County and State aforesaid, this day personally came Thomas Harrington, who being first duly sworn according to law, says that he posted up three copies of the following described notice at three public places near the alley described, on the 16th day of March, 1870:

NOTICE.—Notice is hereby given that a petition is now pending before the Common Council of the city of Indianapolis, for the vacation of the following described alley: A ten (10) foot alley running north, on the east side of lot number 8, of James Greer's subdivision of out-lot number 29, of the city of Indianapolis, and more particularly described as follows:

Commencing at a point 330 feet west of the west line of Mississippi street, and 70 feet north of the north line of Merrill street; thence north 40 feet;

said alley being ten (10) feet wide, and lying on the east side of said lot 8, in said subdivision of said out-lot 29.

JULIA BRENNAN.

INDIANAPOLIS, January 25, 1870.

TOM. HARRINGTON.

Subscribed and sworn to before me, this 21st day of March, 1870.

ALVIN D. MAY,  
Notary Public.

And there appearing no objection to the vacation by remonstrance or otherwise, the same is ordered and decreed to be vacated.

Which was adopted by the following vote :

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

Those who voted in the negative were, Councilmen Cottrell, Kennington and Whitsit—3.

By consent, Dr. Woodburn, from special committee, made the following report :

INDIANAPOLIS, August 4, 1870.

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

GENTLEMEN.—A majority of your special committee to whom was referred the claim of Messrs. Patterson & Dunning, contractors for grading and bowldering between the tracks and two feet on each side of said tracks, making in all eighteen feet in width, on New Jersey street from Massachusetts avenue to St. Clair street, amounting to the sum of \$1,892 42 cents, would respectfully report against paying said sum out of the City Treasury, as the city will be compelled to pay the sum of \$3,195 76 cents for stone crossings and bowldering crossings, of streets and alleys between the points above named, to which your committee make no objection, as the city agrees to pay all such claims under all contracts made for improvements of streets and alleys, according to sections 68 to 71 inclusive, of the City Charter, but the Common Council do not bind themselves to pay, in the contract made with Messrs. Patterson & Dunning, any portion but for the crossings of streets and alleys, and any lots owned by said city, which contract, in that respect, reads as follows, to-wit :

"Said amounts to be collected by the parties of the first part, at their own expense, from the owners of the property bordering on said improvement, according to their respective number of feet, and from the Common Council for any lot or lots owned by said city, and for crossings of streets and alleys."

We know of no law that gives the Common Council the right to compel any tax-payer on any other street to pay a certain portion for any improvement made on any other street or alley in the city, but that the Common Council must be governed in the improvement of streets according to sections 68 to 71 inclusive, of the City Charter, and the ordinances and contracts made under such sections. Believing it would be unjust to compel the tax-payers to pay said claim out of the City Treasury to Messrs. Patterson & Dunning, we would recommend that the City Clerk report an estimate against the property-holders on said improvement, in favor of said parties, for the sum of \$1,892 42, and that the claim for that amount, asked to be paid by the city, be stricken from the ordinance, and that the sum of 3,195 76 be allowed, which is the amount due said contractors for the crossings of the streets and alleys, and stone flag crossings.

Respectfully submitted,

J. H. WOODBURN, }  
CHRIS. HECKMAN, } Committee.

Which was concurred in by the following vote :

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

Those who voted in the negative were, Councilmen Kahn, Thalman and Wiles—3.

His Honor, the Mayor, introduced General Ordinance No. 45, 1870, entitled :

AN ORDINANCE creating and establishing a Fire Police Force, in the city of Indianapolis, and defining its powers, privileges and duties.

Which was read the first time.

Mr. Thalman offered the following motion :

That the Street Commissioner notify the Lafayette and Indianapolis Railroad Company, to lower their track to the grade of the street, according to the profile drawn by the City Engineer.



Which was adopted.

Also, the following motion :

That the Street Commissioner notify the contractor of the stonework on the New York street bridge, not to build the walls higher than the grade of New York street, until the Committee on Railroads make their report in regard to lowering the railroad track to the grade of the street.

Which was adopted.

His Honor, the Mayor, offered the following motion :

That the Committee on Printing and Stationery, be authorized to procure a suitable desk for the City Court Room, if, in the judgment of said Committee, such desk is necessary.

Which was referred to the Committee on Printing and Stationery.

Mr. Brown made the following motion :

That the Sisters of Charity and Mrs. Holt, have further time granted to the extent of forty days, to grade Vermont street in front of their property, and to remove the earth therefrom.

Which was adopted.

Mr. Brown presented the following :

INDIANAPOLIS, August 4, 1870.

*To Honorable Daniel Mahaley, Mayor of the City of Indianapolis ;*

SIR:—For the past three weeks many reports have been circulated to the effect that certain contracts for building Sewers were obtained, or attempted to be obtained, by bribery and other corrupt means. It is due to the public, as well as to every Councilman, that all such reports should be investigated, and, if any be found guilty that they be punished. It is not fair that the whole Council should bear the name of corruptionists because of statements made here and there ; and we ask, a matter of justice to ourselves, that early steps be taken toward securing a thorough investigation of all such charges, reports, or rumors, of whatever nature, and with that view, suggest that you appoint a committee of Councilmen to make such examination, and that

said committee be empowered to send for persons and papers, and to examine persons under oath, and to make a report at as early a day as possible.

Respectfully,

AUSTIN H. BROWN,	THOMAS COTTRELL,
JAMES McB. SHEPHERD,	JOHN L. MARSEE,
ISAAC THALMAN,	ROBERT KENNINGTON,
EDWARD REAGAN,	CHRIS. HECKMAN,
C. E. WHITSIT,	FR. THOMS,
J. H. WOODBURN,	WILLIAM W. WEAVER,
W. D. WILES,	TEMPLE C. HARRISON,
LEON KAHN:	

Which was received.

And His Honor appointed Messrs. Newman, Reagan and Kahn, as such committee.

Mr. Wiles offered the following motion :

That W. F. Cornelius be permitted to grade the sidewalk in front of his lot, number 29 in out-lot 9, being situated on Ash street, between Home avenue and Christian avenue, the same to be done under the direction of the Civil Engineer, and at his own expense.

Which was adopted.

Mr. Kahn presented the following :

WATER RATES FOR INDIANAPOLIS, INDIANA.

At the following rates an orifice is allowed in the main pipes not exceeding one-half inch in diameter.

Each additional one-eighth of an inch increase in the diameter of the orifice increases the rate *ten per cent.*

The water must in no case be left running unless permitted by the Company, or be furnished to other persons except on the premises.

Every dwelling house, occupied by one family, \$6, and \$2 for each additional family; also, \$1 on every \$1000 or fraction of a thousand above \$1000 tax valuation. In addition to the foregoing rates, there shall be charged to each dwelling in which a pan or self-acting water closet or bathing tub is used, the sum of \$5, annually.

Stores, Offices, Shops or Manufactories, where water is used only for the purposes of the occupants, employes or hands—where the average number thereof does not exceed ten—\$10.

For each additional hand in excess of ten, and not exceeding thirty—\$1.

For each additional hand in excess of thirty and not exceeding one hundred—0.75.

For each additional hand in excess of one hundred—0.35.

Private stables, including water for washing carriages, \$5. And for each horse over two, \$3.

Livery stables, including water for washing carriages, for each horse, \$3.

Omnibus stables, for each horse, \$1.50.

Truckmen's stables, for each horse, \$1.25. *Provided*, that in no case shall any stable be charged less than \$5.

The right to attach a hose, of not more than five-eighths of an inch orifice, for washing windows, sprinkling streets or gardens, or for use in stables, in addition to the charges for other uses, \$10, and use of the same shall be limited to four hours per day.

Bakeries. For the average daily use of flour, for each barrel, the sum of \$3.50 per annum; *Provided*, that in no case shall any bakery be charged less than \$6.

#### BUILDING PURPOSES.

Laying stones per perch—0.3.

Laying brick per thousand—0.10.

Plastering per one hundred yards, two coats—0.25.

Plastering per one hundred yards, three coats—0.38.

#### SPECIAL RATES.

Hotels, Boarding Houses, dwellings occupied by more than one family, and Shops or Manufactories, Steam Engines, where water is used for manufacturing purposes.

#### FOUNTAINS.

One-sixteenth of an inch opening—\$8.

For each additional 1-16th of an inch up to  $\frac{1}{2}$  of an inch—\$8.

Which was referred to a special consisting of, Messrs. Kahn, Woodburn and Brown.

Mr. Marsee offered the following motion :

That bidders for furnishing Hose to the City, be required to furnish fifty feet sections as samples.

Which was adopted.

Dr. Woodburn introduced Special Ordinance No. 155, 1870, entitled :

AN ORDINANCE to provide for grading and paving with brick the north sidewalk on Ohio street, from Tennessee to Missouri street.

Which was read the first time.

By consent, Special Appropriation Ordinance No. 42, 1870, entitled :

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

Was 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, Harrison, Kahn, Marsee, Thalman, Thoms, Weaver, Wiles and Woodburn—9.

Those who voted in the negative were, Councilmen Cottrell, Heckman, Kennington, Reagan, Shepherd and Whitsit—6.

So the ordinance passed.

On motion the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST :

DANIEL M. RANSELL, *City Clerk*.