

Common Council Chamber,
August, 8th 1853.

Council met Present Messrs. Bradshaw, Carlisle, Dunlap, Delzell, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland, Councilmen, & Scudder. Mayor.

The meeting read and approved.

Mr. Maguire read a petition from the Marion Fire Company praying the Council to make an allowance to Anthony Heiner for services as messenger, in addition to the yearly salary.

And presented the following resolution:

124 - Resolved, That Anthony Heiner, Messenger of the Marion Fire Company, be allowed twenty dollars in addition to the amount heretofore allowed him as such Messenger.

Which resolution was adopted.

Mr Newcomb from the Committee on the Judiciary reported the following ordinance:

"An ordinance prescribing the manner in which charges may be preferred against city officers, and the proceedings therein."

Section 1st Be it ordained by the Common Council of Indianapolis, That any officer of the city of Indianapolis may be removed from office for wilful neglect of the duties of his office, habitual drunkenness, malconduct in office, for the commission of any high crime or misdemeanor, or for any cause which in the opinion of Common Council shall disqualify him from the proper performance of the duties of his office.

Sec 2. Any member of the Common Council, or any voter of said city may prefer charges against any officer thereof, and present such charge in writing to the Council. A charge preferred by a member of the Council shall be signed by him officially, and any charge preferred by any other person shall be verified by oath or affirmation, that the same be true as the person making such charge verily beleives. Such charge or charges shall be referred to a committee of three members of the Council who shall examine into the same, and, if in their opinion there is good grounds for such accusation they shall present such charge or charges to the Common Council in proper form for trial; but if such committee report against such charge no further action shall be had thereon, unless the Council refuse to accept the report of said Committee, and refer said charge to another committee of the same number, and if such second committee report that the accused ought not to be put upon his trial, such charge shall not be further entertained.

Sec. 3. When a formal charge has been presented by such committee of the Council, a summons shall be issued by the Mayor, or in case of his disability by the acting President of the Common Council, requiring the accused to appear before said Council to answer such accusations on a day therein named, not less than five nor more than ten days from the date of said summons.

Sec 4. Evidence shall be taken in such cause, and the same shall be heard under the same rules and regulations as in suits at law, and the accused shall have the right to be heard by Counsel, and after the conclusion of the evidence and argument, if any, a viva voce vote shall be taken on each specification of such charge, and if two-thirds of the whole number of the Common Council determine that the accused is guilty of such charge or any specification thereof, the offender shall be removed from such office, and sentence of removal shall be pronounced by the presiding officer of the Council.

Sec. 5. If any charge as aforesaid shall be preferred against a member of the Common Council, he shall have no vote in any of the proceedings consequent upon such charge; And, if the Mayor is the accused party the Common Council shall appoint a president from their own body to serve as such until such charge is determined.

Sec 6. This ordinance shall be in force from and after its publication.

The Civil Engineer presented the following report:

"Estimate of the expense of three gas posts costs, lamps, and apparatus, and erecting the same, and of the cost of furnishing gas; lighting, extinguishing, and cleaning the lamps, and repairing the same for one year. Said lamps to be erected on the west side of Pennsylvania street, between Ohio & Market Streets.

To 3 posts at \$12 each	36.00	
" 3 lamps at \$6 "	18.00	
" 3 burners, pipes, & copper cocks, at \$2.50	7.50	
" erecting and fixing the posts and lamps \$2.50	8.50	70.00
" furnishing gas for one year at \$25 ea.	75.00	
" lighting, extinguishing, & cleaning the lamps.	7.00	
" probable expense of keeping the lamps in rep.	8.00	90.00
		<u>\$160.00</u>

Payable by the owners of property on West Side of said Street, viz:

	Lot	Square	Lineal Ft. in	Assessment
Alexander Morrison	1	45	71.3	28.15
David V. Culley				
30 ft. South part	2	"	30.0	11.85
Dr. Coe				
North part	2	"	41.3	16.30
David V. Culley	3	"	71.3	28.15
Do.				
South $\frac{1}{2}$	4	"	35.7 $\frac{1}{2}$	14.07 $\frac{1}{2}$
Sweetser's Estate				
North $\frac{1}{2}$	4	"	35.7 $\frac{1}{2}$	14.07 $\frac{1}{2}$
Elijah S. Alvord	5 & 6	"	<u>120.0</u>	<u>47.40</u>
			<u>405.0</u>	<u>160.00</u>

James Wood. Civil Engineer.

Which was, on Motion, approved, and the committee on the Judiciary instructed to report an ordinance levying a tax for the purpose of defraying the expense of said lighting, etc., according to Engineer's estimate.

Mr. Newcomb reported the following ordinance:

"An Ordinance to provide for the lighting of a part of Pennsylvania street with gas"

Whereas, The owners of a majority of the lineal feet of real estate fronting the West side of Pennsylvania street between Ohio & Market streets in the City of Indianapolis have petitioned this Common Council to provide for lighting that part of said street with gas in accordance with the provisions of an ordinance approved November 7th, 1851. Therefore,

Section 1st Be it ordained by the Common Council of Indianapolis, That there shall be erected under the supervision of the Civil Engineer three lampposts on the West side of Pennsylvania Street, between Ohio & Market streets, with the necessary lamps and fixtures. And that for the purpose of defraying the expense of furnishing the lampposts, and lamps, providing their necessary apparatus, and of lighting, extinguishing, & cleaning the lamps, furnishing gas and repairing said posts and lamps for one year from the passage of this ordinance, there is hereby levied a tax of thirty nine and one half cents on each lineal foot of real estate fronting on Pennsylvania Street between the points aforesaid, making in all the sum of one hundred & Sixty Dollars, that being the estimate of the Civil Engineer for the purposes aforesaid.

Sec. 2. Said tax shall be collected in accordance with the provisions of the ordinance entitled "an ordinance in relation to lighting the city," approved November 7th 1853"

Sec 3. This ordinance shall be in force from and after its passage.

Which was ordained and established by the following vote:

Those who voted in the affirmative were: Messrs. Bradshaw, Carlisle, Dunlap, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, and Strickland - 10

Those who voted in the negative were: Mr. Pitts.

The following petition was presented, and read:

To the Common Council of Indianapolis:

The undersigned citizens of Indianapolis, and owners the number of feet annexed to their respective names, of the lots fronting on Meridian Street in said city, between Circle street and North Donation line, respectfully represent unto your honorable body, that the present grade of said street, as established by the City Engineer is of such character as greatly to damage, and, in some instances, almost ruin the property of various of the undersigned. They represent that instead of making short grades, with frequent side grades conducting to a common place of drainage, as is the mode adopted in all other cities of which the undersigned have knowledge, the City Engineer has established, as they are informed a system by which long grades, with few side grades, therefrom are generally employed; and that in carrying out this system it becomes necessary to excavate or elevate streets graded under it to unnatural and unreasonable heights & depths. That in pursuance of this system in regard to the portion of Meridian street in question, an embankment of about five feet, will have to be made at the Northern extremity, which will necessary throw all the lots upon each side for many of the first hundred yards of its progress, greatly below the street as graded, while other lots in turn be left elevated in proportion; thus requiring for the former an unwarrantable and most ruinous expense for filling and destroying the shade trees and fences along the latter, and requiring an additional outlay of brick or stone fences to prevent the banks thus made from crumbling.

The undersigned further shew that the grade as now designed will necessarily leave large quantities of water standing in the lots upon the eastern side of the Northern portion of said street as the result of any continued season of rainy weather - and to a long drainage of all the water along both sides of the Southern portion of said street to and around the Governor's Circle.

And the undersigned further states that the arguments used by some that the lots can be filled up to correspond with the streets thus graded is unwise and unreasonable, as gravel sufficient for such repairs cannot be readily obtained, while the cost in some instances would nearly approach the value of the property.

And the undersigned further state that all of the said grievances complained of can be entirely obviated by a by a different system of grading in which each square or two squares, along the line of said street shall be so graded, as to allow of side drains along its Southern and Northern line to Illinois Street thus following the natural inclination of the soil, and that thus a saving may be made of great and unnecessary expense, while materially improving the appearance of the street.

The undersigned, therefore, respectfully ask your honorable body to direct the City Engineer to alter the grade of said street, and to establish in place thereof, short grades, with side-grades at frequent intervals, thus removing the necessity of the present proposed deep cuts and embankments along said street.

All of which is respectfully submitted.

H.W. Ellsworth	125	ft
R.B. Duncan	202 $\frac{1}{2}$	"
Earl Bofert.	31 $\frac{1}{2}$	"
E.H. Furgason	62 $\frac{1}{2}$	"
J. Ginkins	62 $\frac{1}{2}$	"
John Charles	192 $\frac{1}{2}$	"
Solomon Imes	62 $\frac{1}{2}$	"
C.C. Campbell,	257.	"
E W H Ellis Prest Peru & I RR Co.	50.	"
W.H. Talbott	120.	"
E R Ames.	100	"
C.G McLean	101 $\frac{1}{2}$	"
Alfred Harrison	67 $\frac{1}{2}$	"
A.E. Vinton	101 $\frac{1}{2}$	"
Wm Sullivan	195	"
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	1731 $\frac{1}{2}$	

Jacob Lindly	40	ft
Wm Stewart.	101.1 $\frac{1}{2}$	
Henry Rifert	31 $\frac{1}{2}$	
J.H. Ray	48 $\frac{1}{2}$	
Jonathan Holmes.	142.	
Wm Sullivan, Sr	62 $\frac{1}{2}$	
Martin A. Dunlap	62 $\frac{1}{2}$	
Andrew Montgomery	62 $\frac{1}{2}$	
Joseph Long	56 $\frac{1}{2}$	
George D Staats.	187.	
John H Wrights heirs pr C. Parry	100.	

Samuel Wainwright	33 1/3
Jas C Furgason	67 1/2
Thomas Lupton	125 "
Jas M Ray	202 1/2
Total	<u>3063 5/6</u>

Mr Carlisle moved that it lay upon the table.
Which Motion did not prevail.

Mr. Newcomb moved that it be referred the Councilmen of the Second & Third Wards, with the Civil Engineer, with instructions to examine said street and make a report relative to the feasibility of a change.
Which Motion prevailed.

Mr. Newcomb moved the committee be instructed to request the contractors to cease work on said Meridian Street North of North Street, until they (the committee) report to the Council.
Which motion prevailed.

The following petition was presented

To the Common Council of Indianapolis:

Your petitioners pray you to order Ohio Street, & its sidewalks & gutters graded and graveled between Alabama & Noble Street.

Signed by:	Lot	Sq.	Feet.	In Total
Mahlon Seybold	4	411	52.0	
Chas Helwig	7, 8, 9 & 1	41	135.0 1/4	
S A Fletcher	4, 5, & 6	39)	200.0	
" "	E 1/2 4, 5, & 6	")		
F. Bullard	W 2/3 1, 2, & 3	43	132.0	
F. Dickman	1, 2, & 3	59	144.0	
Chas. H Weaver	5	59	48.0	
Eber Hartman	4	59	48.0	
Wakin Keely	6	59	48.0	
Jacob Dearing	10	57	48.0	
Carl Henrylacke	46	60	48.0	
Henry Munsell	5	60	48.0	
G B Scribner	6	60	48.0	
Autony Kellemier	16	58	48.0	
C. F Wishmier	13	58	48.0	
E Nottmire	7	59	48.0	
R. Robb	3	60	48.0	
C.F. Wishmire	14	58	48.0	
N F. Wiese	15	58	48.0	
James L. Knepper	11	57	48.0	
J.J. Thalman	2	41	95.0	
Earl Nicolai	7	40	32.6	
C. Fletcher Sr pr C.F. Jr.	12	42	199.0	
Wm A Keely Lot	2	60	48.0	

Signed by:	Lot	Sq.	Feet. In Total
S.A. Fletcher agt E.	1.2 & 3	42	87.6
Saml Keely	6	14	32.6
George Dunham	10	58	48.0
Jacob Rubush	14	60	48.0
P H Jameson	$\frac{1}{2}$ 8 & whole of 7	39	<u>200.0</u>
			1956.1 ⁴
			128.6
Church Property	151. $\frac{1}{2}$ of which is		<u>75.6</u>
			2160.1

On Motion it was

Ordered, That the Civil Engineer furnish grade stake, etc.

Mr. Little, the Assessor presented the assessment roll for the present year, which was, on motion by Mr Newcomb, returned to him and one weeks' further time granted him to perfect said roll.

On Motion

A Committee of three, composed of Messrs. Newcomb, & McGuire, & Dunlap, was appointed to confer with the assessor relative to the assessment roll.

On Motion by Mr. Pitts it was

Ordered, That the Civil Engineer furnish estimate of the improvement of sidewalk north of Washington street, between Canal and White River, for Mr Shea, the contractor.

The bids for the erection of Hook & Ladder House were opened read, and before further action upon this the Council adjourned.

Caleb Scudder Mayor

Daniel B Culley City Clerk