

- Regular Meeting -

Common Council Chamber
September 5th 1853

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

The Treasurer made monthly report, which was read.

The Street Commissioner's report was read, and on Motion Referred to Committed on Accounts.
Several accounts were presented and referred to committee on accounts.

Allowed Benjamin Pilbean Removing Nuisances \$2.00

Mr. Dunlap from the committee on the Judiciary presented the following ordinance:

"An Ordinance for the better security of stables from fires. Section 1st Be it ordained by the Common Council of Indianapolis, That no owners or owners or occupant of any livery or other stable within the limits of the corporation, nor any person or persons in their employ, shall be allowed to use therein any lighted candle or other light, except the same be secured within a tin or glass lantern; nor shall any person smoke or bring a lighted segar or pipe, or fire crackers, in the aforesaid stables; nor within twenty feet of the same, and every person offending against the provisions of this ordinance, on conviction thereof before the Mayor of said city, shall be fined in any sum not exceeding twenty five dollars in the discretion of the Mayor.

Sec. 2. That all ordinances passed by the Common Council and now in force conflicting with the provisions of this ordinance, be and the same are hereby repealed.

Which was adopted by the following vote:

Ayes: Messrs. Bradshaw, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland & Wingate 13

On motion by Mr. Dunlap,

The ordinance entitled "An ordinance to prohibit the erection of Wooden building, " was read a second time, as follows: An ordinance to prevent the erection of Wooden Buildings"

Section 1st Be it ordained by the Common Council of Indianapolis That application made to the Common Council,

by the owners of property in any square or fractional square, to prohibit the erection of Wooden buildings thereon, shall be signed by three-fourths of the number of owners of property in any square or fractional square, and if the Common Council deem it expedient to grant such application, it shall be placed upon the record, and notice thereof given by the City Clerk, in the newspapers wherein the ordinances of the city are published.

Sec 2. That after an application shall have been granted, and notice thereof given as aforesaid, if any person or persons shall erect, or cause to be erected, in any such square or fractional square as aforesaid any building or any addition to any building before erected, the outer walls thereof shall be composed entirely of brick or stone and mortar, or if any person shall move or cause to be moved any frame or wooden building on any square or fractional square as aforesaid, every such person or persons shall on conviction thereof before the Mayor forfeit and pay a sum not exceeding fifty dollars, with costs of suit, and a further sum of not exceeding twenty dollars, for each and every day such prohibited buildings as aforesaid shall be suffered to remain after the conviction as aforesaid.

Sec 3. All ordinances heretofore passed by the Common Council inconsistent with this are hereby repealed.

Mr Pitts moved to strike out the words "each square" and amend by inserting "from East Street to Canal & between Market & Maryland streets."

Which Motion did not prevail.

Mr. Maguire moved to amend the first section by adding provided that the squares bordering on Washington street and from Alabama to Mississippi Streets upon which no frame building shall be erected.

Mr. Pitts moved to amend by striking out the words "Alabama to Mississippi streets" and insert from the canal to East street."

Which Motion prevailed.

The question recurring upon the Mr Maguire amendment as amended to the ordinance which motion to amend prevailed.

Mr Edwards moved to amend by striking out from the ordaining clause and insert the following:

That the ordinance entitled "an ordinance to prevent the erection of frame buildings on Washington Street" approved November 4th 1851 be so amended as to extend the provision of that ordinance so as to prohibit the erection of frame buildings from Maryland street to Market street.

On Motion

The amendment to the ordinance was amended by adding, and "from East Street to the Canal."

Mr. Newcomb moved to amend by adding

Sec. . Any person violating the ordinance to which this is an amendment, or this ordinance, shall be fined in any sum not exceeding fifty dollars, and the words "five hundred dollars" where they occur in said ordinance are hereby stricken out.

Which Motion prevailed.

Mr Pitts moved to amend by adding:

Sec. When hereafter any frame building heretofore erected within the limits aforesaid shall be removed the same shall not be relocated within said limits, but shall be removed without the same, and the relocation of any frame building within the streets aforesaid, shall be punished in the same manner as the erection of a new building, and shall be removed in like manner.

Which Motion prevailed.

The question being upon the adoption of the ordinance as amended.

It was decided in the affirmative, by the following vote:

Ayes: Messrs. Bradshaw, Dunlap, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb Pitts, & Wingate - 11.

Noes: Messrs. Delzell & Strickland - 2.

Mr Delzell Chairman of the Committee on Streets and alleys reported as follows:

To the Common Council,

The committee on streets & alleys to whom was referred the petition of Habert A. Maasson, etc., praying for certain improvements report as follows, the committee recommend the erection of a bridge on Washington Street across the ditch at the alley between Out Blocks Nos. 71 & 72, as to the other bridge the conceive it to be simply a private convenience, and that the city have no control of the matter unless upon petition signed by Two-thirds of the residents and asking for the improvement.

Samuel Delzell.

On Motion

The report was received, & laid on the table.

Mr. Maguire from a Select Committee presented the following report:

Mr President

The Select Committee to which was referred, by a resolution of the Common Council at its last regular meeting,

the assessment roll of the City Assessor, with instructions to examine it, and in connection with the Assessor to equalize the valuation, correct erroneous descriptions, and report to this meeting of the Council, respectfully - report, that in pursuance of the order of the Council, a portion of the Committee, with the Assessor, have been engaged ever since their appointment in endeavoring to carry out the object had in view by the Council in their appointment, and have done all they could do in the time limited for their action. They received and acted upon the complaints of all who called upon them for that purpose, and made such alterations as in their judgment seemed to be in accordance with justice. The time allowed did not permit the Committee to proceed systematically over all parts of the city and donation, which would in fact have been but little less trouble than to have made an entirely new assessment. They did, however, besides acting upon all the cases brought to their attention by owners of property who deemed themselves aggrieved, equalize the property in all cases of obvious inequality which a cursory examination of the book and their own knowledge suggested as proper. They also corrected all the erroneous descriptions discovered by them and added some property and polls that were omitted. The committee did not undertake to supply all the omissions, for the reason that they had not at hand sufficient data from which they would ascertain the full amount, and because the Treasurer of the city is fully authorized and it is his duty to assess all property and polls overlooked by the Assessor, a duty which the committee have the assurance of the Treasurer will be discharged to the utmost of his ability.

The Committee ask to be discharged from the further consideration of the subject.

D. Maguire
Chrm.

On Motion

The report was received, & the committee discharged.

The following petition was presented:

To the Common Council of Indianapolis

The undersigned respectfully report that the persons owning or claiming to own the grounds on Out Block No 181 laid of by Wm Young and designated as the Bellfontaine Depot grounds, are so occupied and used as to obstruct and wholly prevent the passage of wagons and other wheeled vehicles upon and across said grounds. That the greater part of said Wm Young's addition to the city of Indianapolis is situate upon said Out Block No 181 North of said depot grounds. That the purchaser of lots in said Youngs addition purchased the same in good faith that the had & would forever retain a right of way to and from the central parts of the city over and across said depot grounds and whether such legal right actually now subsist or not, they claim that they have a right to have it secured to them. They have no way of access to the central or other parts of the city, or of communication with it other

than through and across said grounds, and if the design of the said owners or claimants of said grounds shall not be consummated they be shut up and isolated with no public thoroughfare available to them communicative with either the city or country. That it is for their interest and convenience, and, also, for the interest & convenience of the people of the surrounding country that there should be one or more streets or public highways running in a North and South direction through and across said grounds.

The undersigned would, therefore, respectfully petition your body that you cause and examination to be made of these grounds and premises and proper streets and highways to be established laid off and opened and kept free from obstructions upon and across said grounds in a North and South direction at such places and of such width as may best subserve public convenience and be of the least detriment to private interests.

Aber McKinley,	Philip Pressel,	David Loucks,
James Darrow,	John Loucks,	David Springer,
Cyrus Mathers,	James F Graham,	James Donovan
Aaron Clem	Daniel Pope,	Peter Schweinhearte,
John H Hopper	Brazilla M Blount,	C. N. Blount
L. Q. Hanna	John Deary	John M. Barnecto
Philip J Kuhn,	Leefert Kusselt,	Jacob Renger
Henry Severin	Wm Richemmin	C Presset
Luding Suhm,	Jesse Burk.	C Vanlaningham
Ovid Butler	Andrew L. Stout,	Eli Tolan
James Rawon	Conrad Harman,	Patrick Uttler.
	& John Kausen.	

Referred to Committee on the Judiciary.

On Motion by Mr. Dunlap

The vote concurring in the report of the committee on streets and alleys upon the petition of the Lawrenceburg and Upper Mississippi Railroad Company was reconsidered, and the petition referred to a select committee consisting of Messrs. Dunlap, Durham & Pitts.

Mr Newcomb presented the following resolution:

Resolved, That the ordinance adopted on the 29th day of August, 1853, entitled "An ordinance relative to Salaries and Compensation of Officers," be and the same is hereby suspended until the next regular meeting. And the City Treasurer is hereby prohibited from paying the salaries named in said Ordinance until the further action of the Common Council thereon.

Which was adopted by the following vote:

Ayes. Messrs. Delzell, Durham, Edwards, Maguire, McCarty, Nelson, Newcomb & Wingate
 Noes: Messrs. Bradshaw, Dunlap, Karns Pitts, Strickland - 5

Mr. Edwards presented the following preamble and resolution:

Whereas, This Council did, heretofore, direct a change in the grade of Meridian Street upon certain conditions, requiring levels to be taken to ascertain whether Illinois street grade will admit of a change of grade of Meridian Streets; also, estimates should be furnished of work done on said street, and on the sidewalk west of canal and estimates should be made and work let, for improvement ordered by the Common Council, and work already contracted for requires superintendence; none of which can be done unless a civil engineer be procured, therefore,

Be it Resolved, That the Mayor be directed to procure the services of a Civil Engineer to do and perform such work as is absolutely necessary to be done until the recovery of the City Engineer now sick, if in the opinion of the Mayor it is desirable.

Which was adopted by the following vote:

Ayes: Messrs. Bradshaw, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty Nelson, Newcomb, Pitts, Strickland, & Wingate - 13

Noes. - None.

Mr Dunlap offered the following resolution:

Resolved, That the City Engineer be directed to take the level of Alabama, Delaware, & Pennsylvania streets for the purpose of ascertaining the practicability of draining the water into Pogues' Run direct, and if found feasible, to lay before the Council the estimated cost of each street.

Which was adopted by the following vote:

Ayes: Messrs. Bradshaw, Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts, Strickland & Wingate. - 13

Noes: None.

Mr Maguire offered for adoption the following:

Resolved, That the committee on Streets and alleys be instructed to investigate and report to this Council whether any agreement has ever been entered into between the Common Council and the Union Railroad Company in relation to the crossings of Streets and alleys from Massachusetts Avenue to Tennessee street inclusive, and if any agreement was made whether the said Union Railroad Company has complied with the provisions of said agreement in relation to the crossing of Washington & Noble Streets, and report the whole facts to the Council at the next meeting.

Which was adopted by the following vote:

Ayes: Messrs. Bradshaw, Delzell, Durham, Edwrads, Karns, Maguire, McCarty, Nelson, Newcomb, Pitts Strickland & Wingate. - 12.

Noes: - None.

Mr. Maguire offered the following for adoption:

Resolved That the City Clerk be directed to publish in the daily papers of the city that the Common Council will meet on the 12th day of September, A.D. 1853 at One O'clock, P.M. for the purpose of hearing and deciding upon all complaints that may be presented to them in relation to the assessment of property, in the city of Indianapolis."

Which was adopted by the following vote:

Ayes. Messrs. Bradshaw, Delzell, Durham, Karns, Maguire, McCarty, Nelson, Newcomb, Strickland, & Wingate. - 10.

Noes: Messrs. Edwards, & Pitts. - 2.

The proposition of Wm Wood to sell to the city 20 ft of lot No. 1 in Square 60, fronting on East street for \$300, and to build a brick house 20 by 50 feet, two stories high, exclusive of inside finish for \$500. \$300 in cash & \$200 in corporation orders, was read, and before any action,

Mr. Pitts moved to adjourn to meet again at 7½ o'clock P.M.

Which Motion prevailed

Adjourned

Caleb Scudder Mayor

Attest:

D.B. Culley,
City Clerk

Adjourned Meeting Evening Session.

Common Council Chamber)
September 5th 1853.).

Council met. Pursuant to adjournment Present Messrs. Dunlap, Delzell, Durham, Edwards, Karns, McCarty Maguire, Nelson, Pitts, Strickland & Wingate, Councilmen & Scudder - Mayor.

The following communication was read from J.L. Ketchum:

"The Common Council of Indianapolis:

"I received a resolution of the Council asking from me a proposition of settlement in the matter of lots 10, 11 & 12 in Square No. 48, etc.

Some two or three years ago I sold and conveyed to John M. Talbott Lot No. 10. This lot, therefore, is beyond my control. I still hold the other two, and am willing to re-convey them to the city upon any reasonable terms, upon the city confirming the title to lot 10 in Talbott, and for the purpose of adjusting the matter, I will at any time meet a committee appointed by the Council for that purpose. I have no doubt of my title to the lots, but still if the Council wish lots Nos 11 & 12, I have always expressed a willingness to let them have them on honorable and reasonable terms. I once expressed the same thing to hervey Bates, then a member of the Council, and appointed a committee to learn from me what I would do; adding as I did, that he might be the judge of "what was honorable and reasonable," Since which time, there has been no movement in the matter until the resolution above referred to.

Respectfully

John L. Ketchum.

On Motion

Referred to the committee of the Judiciary.

On Motion by Mr. Delzell the proposition of Wm Woods relative to lot & house for the use of Invincible Fire Company was taken up, & read.

Mr Dunlap offered the following resolution for adoption:

Resolved That the sum of \$300 be appropriated to purchase 20 feet of lot No 1 in Square No 60. &

Be it further resolved, That the City Engineer advertise for bids for the erection of a brick house, two stories high twenty feet front by fifty feet deep: Provided, That the cost of said building shall not exceed \$700.

Which was adopted by the following vote:

Ayes: Messrs. Dunlap, Delzell, Durham, Edwards, Karns, Maguire, McCarty, Nelson, Pitts, Strickland & Wingate. - 11
Noes. - None.



On Motion by Mr. Karns the vote directing the location of the Hook & Ladder Wagon House on Lot 2 in Square 48 (ie West Market Space) was reconsidered.

The question then being as to a location of said house, resulted in the selection of the East Market Space by the following vote.

For the East Market space: Messrs Dunlap, Delzell, Durham, Edwards, Karns, McCarty, & Wingate. - 7.

For the West Market space, Messrs. Maguire, Nelson, Pitts & Strickland - 4.

Mr. Karns moved that an estimate be made by the Civil Engineer of a brick house 12 feet front and sixty feet deep, for the use of the Hook & Ladder Company, and report at next meeting.

Which Motion prevailed.

On Motion the Council adjourned.

Caleb Scudder Mayor.

Attest:

Daniel B. Culley
City Clerk.