

PROCEEDINGS

OF THE

COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF COMMON COUNCIL }
OF THE CITY OF INDIANAPOLIS, }
Thursday, May 18, 1871, 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 Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Locke.

The proceedings of the regular session, held May 15, 1871, were read and approved.

Dr. Woodburn introduced special appropriation ordinance No. 22, 1871, entitled :

An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time, and referred to the Committee on Accounts and Claims.

Mr. Craft introduced special ordinance No. 53, 1871, entitled :

An ordinance to provide for grading and graveling the first alley south of Michigan street, between Noble and Liberty streets.

Which was read the first time.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—We, the undersigned, do humbly petition your honorable body to have an alley graded and graveled, running east from Cady street to the Corporation Line, between Meek and Georgia streets.

THOMAS J. LOGAN,

WM. COLLINS.

THOMAS O'NEILL,

And 12 others.

Which was received.

Mr. Whitsit introduced special ordinance No. 54, 1871, entitled :

An ordinance to provide for grading and graveling the alley running east from Cady street to the Corporation Line east, between Meek and Georgia streets.

Which was read the first time.

Mr. Whitsit introduced general ordinance No. 22, 1871, entitled :

An ordinance providing for the management of the City Hospital of the City of Indianapolis.

Which was read the first time.

Mr. Thoms introduced special appropriation ordinance No. 23, 1871, entitled :

An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time.

Mr. Thalman introduced special appropriation ordinance No. 24, 1871, entitled :

An ordinance appropriating money for the use of the Street Commissioner.

Which was read the first time.

The City Clerk made the following report :

The City Clerk respectfully reports to the Council,

FIRST.

Contract and bond of John Richardson for building stone arches at the junction of Mississippi and Merrill streets.

SECOND.

Contract and bond of Michael Hyland for building four engine houses at certain points, as agreed upon in specifications signed by the contractor..

Respectfully submitted,

JOHN R. CLINTON,

City Clerk.

Which was concurred in, with the exception of the first paragraph, in regard to the contract of John Richardson, which was postponed for two weeks.

ROLL CALL.

Mr. Batty offered the following motion :

Moved. That the City Clerk be required hereafter in all cases where the city acquires title to any lot or lands in Marion Co., by purchase or otherwise, or when any street or alley is vacated by order of the Common Council, to place on record, in the Recorder's office of said county, the deed or other proceedings or evidence of the title so acquired or vacation so made by said city, or a correct description of the lot or land so acquired, and a reference to the proceedings by which the said lot or land was so acquired or by which such vacation was made.

Which was adopted.

Mr. Batty presented the following remonstrance :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Hill avenue, between Barrows and Sheldon streets, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of Hill avenue, for the reason that no building improvements have been made on said avenue, nor do we contemplate any immediate improvement thereon, and that the petition in circulation is for the benefit of parties owning property adjoining, and not for the benefit of those who own on the avenue.

And your remonstrants will ever pray, &c.

SEWING MACHINE CABINET CO.,

Per S. Morris, *President.*

NAT. S. DRIGGS,

FRANK BROWNING,

W. S. LYNN.

Which was referred to the Committee on Streets and Alleys.

Mr. Bigham offered the following motion :

Moved. That permission be and is hereby granted to the property owners to grade and pave with brick the south sidewalk of Market

street, from New Jersey street to the first alley west of New Jersey street—the same to be done within 90 days, and under the direction of the Civil Engineer, who is hereby instructed to set the grade stakes.

Which was adopted.

Mr. Bigham presented the following remonstrance :

INDIANAPOLIS, May 18, 1871.

To the Mayor and Common Council of the City Indianapolis:

GENTLEMEN—We, the undersigned, property holders on the south side of Market street, between Alabama and New Jersey streets, respectfully remonstrate against the paving of the sidewalk, as we are unable to meet the expense. We further state to your honorable body, that our sidewalk is in excellent condition, and that we have not been consulted in regard to the proposed work. And your remonstrants will ever pray, &c.

The following names represent the entire square, except about 55 feet :

GEORGE ANDERSON,
CYNTHA ANDERSON,
SARAH ROOP,
SARAH A. SMITH.

Which was referred to the Committee on Streets and Alleys.

Mr. Brown offered the following motion :

Moved, That the City Marshal be required to enforce the provisions of an ordinance entitled, "An ordinance regarding public safety, comfort and convenience," ordained December 4, 1863, (page 289 Revised Ordinances), and an ordinance entitled, "An ordinance regarding nuisances," ordained July 20, 1869, within the recently extended limits of the Fifth Ward.

Which was adopted.

Mr. Heckman presented the following petition :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—Please direct the City Clerk to issue to me an auctioneer's license, to sell at auction, in Little's Block, 207, east Washington street, for three months, on my presenting to him the City Treasurer's receipt for the amount to be charged for said license; and oblige,

Yours, respectfully,

CHAS. A. COOPER,
Auctioneer.

Which was received, and the prayer granted.

Mr. Thalman presented the following petition :

INDIANAPOLIS, IND., May 18, 1871.

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

GENTLEMEN—There has been an ordinance passed for paving the sidewalks of New York street, in front of my factory, corner canal and New York street. I own 118 feet on New York street, and have to pass the sidewalks at four different places in order to get in material and take out work by wagons. Furthermore, the sidewalks near the C. & L. R. R., is too high, and have to come down as soon as the track is lowered, as there has been an ordinance passed to that effect. I, therefore, pray to make the sidewalks, as far as practical, to the Railroad out of wood, say two inch pine plank, instead of brick, or give me the privilege to do the same at my own expense—as the brick will be more or less broken in less than 30 days, and would be of no use to me, or any one passing there, if the sidewalks in front of the factory were paved with brick,

Yours, respectfully,

CHARLES HELWIG.

Which was received, and prayer granted, *provided*, the consent of contractor be obtained.

Mr. Brown moved that the City Clerk advertize for sealed proposals for printing and stationery, to be presented to Council at the meeting to be held Monday, May 29th, 1871, at 7½ o'clock P. M.

Which motion was adopted.

Mr. Wiles offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lot No. 60, in out-lot 181, of Young's sub-division, in the City of Indianapolis, be and they are hereby required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said City and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 23, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to drain or fill said excavation, as provided in said ordinance.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Negative—none.

Dr. Woodburn offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lots No. 3, 4, 8 and 9, in square 23, of McKernan and Pierce's sub-division, in the City of Indianapolis, be and the same are hereby required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or

may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said City, and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 23, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to drain or fill said excavation, as provided in said ordinance.

Which was adopted by the following vote :

Affirmative—Councilmnrn Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Negative—none.

Dr. Woodburn presented the following communication :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—The undersigned respectfully represents that he is the owner of about 112 feet front on North Meridian street, off the north side of lot No. 12 of St. Clair's Addition ; that about two years ago, before that addition was taken in by the City, certain parties, wishing to enhance the value of their own property, in that vicinity, applied to the County Commissioners to have 5th street extended from Illinois to Meridian street, through my lot. The County Commissioners appointed three commissioners to assess the damages, who, after a personal examination, reported that my lot would be damaged to the amount of \$4,000 by extending said street through it. None of the interested parties being willing to pay more than a trifle for the destruction of my lot, the County Commissioners refused to pay for the same out of the county treasury, and then the thing failed.

On that addition being annexed to the city, one year ago, the same parties renewed their application to the Common Council. Their petition was referred to the City Commissioners, who, after a

faithful investigation, reported it inexpedient to open said street, owing to the great value of the lot, and the fact that none of the property-holders in that vicinity were willing to pay more than a small part of the damages, and that application failed.

Some time in March last, I determined to build me a residence on said lot, and for that purpose I took out a permit from the City Clerk to build a first class brick building, at a cost of \$18,000, and on the same day, I contracted with the Messrs. Fatouts to erect the rear part of said house for which I am to pay them \$3,850, the walls of which are now up, and I have no legal right to stop them from the completion of said house without payment of damages.

In a week or ten days after taking out the permit and commencing said building, the same parties filed another application for the opening of said street, which is now pending before the City Commissioners. Should said street be extended through my premises, it will leave a narrow strip on the south of said street, 36 feet on Meridian street, tapering back to a width of 14 feet at the rear, and leaving another strip on the north, fronting on Meridian street, about 14 feet, and 36 feet wide in the rear, so that the two strips of my lot left will be totally useless and valueless to me. When the rear of the house I am now building is completed, which will be inside of forty days, my property will be worth not less than \$12,730. I now have a standing offer of \$11,500 for it from a responsible gentleman.

I have in remonstrating against the destruction of my property, given you the facts about the annoyances and vexations I have suffered at the hands of a few *pestiferous* individuals, who wish to enhance the value of their own property by the destruction of mine. I have also thought it expedient to give you the facts as to the value of my property, in order that you may know in advance something about the expenses of the extension of 5th street about 500 feet. If the City Council is willing to pay me what is a "just compensation," as required by the Constitution of the United States and of this State for the destruction of my property, I shall not complain, but if you are not willing to make me such compensation, I think it is due to me that the City Council shall not permit me to be annually harrassed and put to expense in defending my property against attempts to make streets.

Respectfully,

WM. HENDERSON.

Which was referred to the City Commissioners.

Mr. Marsee offered the following motion :

Moved, That the City Civil Engineer be directed to survey the lots purchased for engine house purposes, and set the grade stakes for the contractors for building the engine houses.

Which was adopted.

REPORTS FROM COMMITTEES.

Mr. Craft, from the Committee on Water Works, made the following report :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—The Standing Committee on Water Works, to whom was referred the petition of residents of North Illinois street, and motion in regard to laying mains and erecting fire plugs, would beg leave to report, that after a careful examination of the matter would recommend that fire plugs be erected in accordance with the report of the special committee, which was adopted by this Council August 6th, 1870, viz : one plug to each street crossing ; *provided* the Water Works Company put down six inch pipe ; but if four inch pipe is used, we would recommend that plugs be established at the distance of one thousand feet apart, and that the plugs be double.

Respectfully submitted,

W. H. CRAFT,
CHRIS. HECKMAN,
ISAAC THALMAN,
Committee.

Which was concurred in.

Mr. Brown, from the Special Committee on Removal of Dead Animals, made the following report :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—The undersigned, a special committee on that subject, report that they have examined the bids for hauling away of dead

animals from the city to a point not less than two miles from the corporation limits and burying or otherwise disposing of the same on grounds to be furnished by the contractors, and find the following to be the bids received and referred :

Jacob Wirtz, \$50 per month, if the City furnishes the grounds ; otherwise, \$75 per month.

Christian Smith, \$50 per month, the City to furnish grounds, and asking for a four year's contract.

David Streif, \$200 per annum on grounds to be furnished by the City ; \$300 per annum on grounds to be furnished by himself.

Your committee find David Streif to be the best bidder, and recommend that the City Attorney prepare a contract and bond to be signed by said Streif and his sureties, at the rate of \$300 per annum, to be reported at next meeting of the Council.

AUSTIN H. BROWN,
JOHN H. BATTY,
W. D. WILES,

Committee.

Which was concurred in.

ORDINANCES ON SECOND READING.

On motion, the following ordinances were read the second time, and ordered engrossed :

Special ordinance No. 14, 1871.

Special ordinance No. 15, 1871.

Special ordinance No. 16, 1871.

Special ordinance No. 17, 1871.

Special ordinance No. 19, 1871.

Special ordinance No. 21, 1871.

Special ordinance No. 22, 1871.

Special ordinance No. 23, 1871.

Special ordinance No. 27, 1871.

Special ordinance No. 28, 1871.

Special ordinance No. 31, 1871.

Special ordinance No. 35, 1871.

Special ordinance No. 36, 1871.

Special ordinance No. 38, 1871.

Special ordinance No. 39, 1871.

Special ordinance No. 40, 1871.

Special ordinance No. 41, 1871.

Special ordinance No. 42, 1871.

Special ordinance No. 43, 1871.

Special ordinance No. 45, 1871.

Special ordinance No. 26, 1871.

Special appropriation ordinance No. 23, 1871.

Was read the second time, amended by inserting sundry claims, and ordered engrossed.

General ordinance No. 21, 1871, entitled :

An ordinance to provide for the compensation of City Officers and members of the police force and Fire Department. for the fiscal year ending May 15, 1872.

Was read the second time.

Mr. Brown moved to strike out the portion in regard to fees for Mayor.

Which was lost by the following vote :

Affirmative—Councilmen Bigham, Brown, Cottrell, Gimber, Heckman, Kennington, Reagan and Whitsit—8.

Negative—Councilmen Batty, Craft, Marsee, Newman, Thalman, Thoms, Weaver, Wiles and Woodburn—9.

Mr. Gimber moved that the paragraph fixing the Treasurer's fees, be amended by striking out $1\frac{1}{2}$ per cent., and inserting 1 per cent.

Which was laid on the table by the following vote :

Affirmative—Councilmen Batty, Craft, Marsee, Newman, Thalman, Thoms, Weaver, Wiles and Woodburn—9.

Negative—Councilmen Bigham, Brown, Cottrell, Gimber, Heckmøn, Kennington, Reagan and Whitsit—8.

Mr. Brown offered the following amendment in regard to Treasurer :

Amend by inserting in the proper place the following: "the statement of the City Treasurer showing the amount on which his percentage is claimed, shall be filed with the City Clerk, and to be by him referred to the Finance Committee for their examination, and such committee shall report thereon to the Common Council, and when the amount allowed by such committee shall be approved by the Common Council, such sum shall be appropriated out of the treasury by ordinance, as other moneys are appropriated."

Which was adopted.

The ordinance was then ordered engrossed.

The following entitled ordinances were then ordered stricken from the file :

Special ordinance No. 18, 1871, entitled :

An ordinance providing for planting and boxing shade trees on Chatham street, between St. Clair street and Massachusetts avenue.

Speeial ordinance No. 25, 1871, entitled :

An ordinance to light with gas Park avenue, between St. Clair and Cherry streets.

Special ordinance No. 44, 1871, entitled :

An ordinance to light with gas Illinois street. from Tinker street to the North Corporation Line.

The following ordinances were referred to the Committee on Streets and Alleys.

Special ordinance No. 29, 1871, to grade and gravel Hill avenue and sidewalks, between Barrow and Sheldon streets.

Special ordinance No. 37, 1871, to grade and pave with brick the north sidewalk on New York street, from Massachusetts avenue to East street.

On motion, by, Mr. Newman, the rules were suspended for the purpose of taking up appropriation and salary ordinances and placing them on their passage.

General ordinance No. 21, 1871, entitled :

An ordinance to provide for the compensation of City Officers, and officers and members of the Police Force and Fire Department, for the fiscal year ending May 15, 1872.

Was read the third time, and passed by the following vote :

Affirmative—Council Batty, Bigham, Craft, Heckman, Marsee, Newman, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—12.

Negative—Councilmen Brown, Cottrell, Gimber, Kennington and Reagan—5.

Special appropriation ordinance No. 23, 1871, entitled :

An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the third time, and passed by the following vote :

Affirmative—Councilman Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles, and Woodburn—17.

Negative—none.

On motion the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST:

JOHN R. CLINTON,

City Clerk.