

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Dec. 30, 1872, 7 o'clock, P. M. }

The Common Council met in regular session.

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

Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson,
Hardesty, Kahn, Kennington, Pressly, Reagan Rush, Sherwood,
Thalman, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Gimber—1.

The proceedings of the regular session, held December 23d,
1872, were read and approved.

Sealed proposals for building cisterns were received, opened, read and referred to the Committee on Contracts.

REPORTS FROM CITY OFFICERS.

The Sewerage Engineer made the following report :

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—I hereby report that the Illinois Street Tunnel is now completed. According to the first contract John A. Whitsit was to receive for two "Roadways" and one "Footway" the sum of..... \$54,000 00
 A second contract was made for another footway on the west side for which John A. Whitsit was to receive the sum of..... 8,557 90
 By order of the Tunnel Committee a stone was placed at each end of the wall dividing the two roadways to protect the same, at a cost of..... 73 70

Making a total of..... \$62,631 60

The first contract required Mr. Whitsit to pave the Tunnel and approaches with the "Round Block Pavement." This was afterwards changed to the "Ballard Pavement," and the contract let to J. J. Palmer. There is, then, to be deducted from the am't due Mr. Whitsit the cost of the Round Block Pavement, which is as follows:

1656½ square yards of pavement at \$1.50.....	2,484 75
Balance	\$60,146 85
Less former payments.....	49,045 00
Final payment.....	\$11,101 85

Respectfully submitted.

J. W. BROWN, Sewer Engineer.

Which was concurred in.

The City Civil Engineer made the following report :

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—I hereby report the following work finished according to contract:

John A. Whitsit a partial estimate for building cisterns :

One cistern at the intersection of Home and College avenues.....	952.68	bbls.
One cistern at the intersection of Dougherty and McKernan streets.....	879.14	"
One cistern at the intersection of Prospect and Linden streets	818.72	"
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Total number of barrels	2650.54	
At 62 cents per barrel.....		\$1,643 33
Deduct 15 per cent.....		246 49
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Present payment.....		\$1,396 84

Also, the same, a partial estimate for building a cistern at the intersection of Illinois and Pratt streets, 636.97 barrels, at 68 cents per barrel.....

	433 13
Deduct 15 per cent.....	64 96
<hr/>	
Present payment.....	\$368 17

Also, J. J. Palmer, final estimate for grading and paving with wooden block pavement Illinois street from the north side of Louisiana to the south side of South street, excepting where the same crosses the Railway tracks :

3322.1 square yards of pavement, at \$2.25 per yard.....	7,474 72
405.3 feet of new curb, at 65 cents per foot.....	263 44
380.4 feet of curb reset, at 15 cents per foot.....	57 06
53.5 feet of pipe, at 90 cents per foot.....	48 15
3 protection stones, at \$6.00 per stone.....	18 00
Lowering catch-basin and pipes.....	5 50
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Total estimate.....	\$7,866 87
Deduct former payment.....	6,000 62
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Present payment.....	\$1,866 25

Also, August Richter, a final estimate for building stone arches over Pogue's Run at the crossing of East street :

785.37 yards masonry, at \$6.95 per yard....	\$5,458 32
1129.2 yards excavation, at 40 cents per yard.....	451 68
773.6 yards embankment, at 35 cents per yard.....	270 76
30,827 feet of timber, at \$2.25 per 100 feet, board measure.....	693 60
1209 feet of timber in hand-railing, at \$3.50.....	42 31
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Total.....	\$6,916 67

Deduct for material on the ground.....	100 00
Total estimate.....	\$6,816 67
Deduct former payment.....	6,735 75
Present payment.....	\$80 92

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
INDIANAPOLIS, Dec. 30, 1872. }

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

GENTLEMEN:—The City Clerk would respectfully report that there are on file in his office affidavits for the collection of street improvement assessments y precepts as follows :

Michael Foust vs. Wm. G. Mahan, for.....	\$28 87½
Hanway & Hanna, vs. Brown & Stills, for.....	55 85
“ “ vs. John Moore, for.....	19 60
“ “ vs. J. B. Johnson, for.....	75 20
“ “ vs. Thos. C. Darnell, for.....	68 52
“ “ vs. Margaret Weakly, for.....	8 40
“ “ vs. Thomas Wren, for.....	37 75
“ “ vs. Wm. Schwaiberger, for....	11 20

And would respectfully recommend that you order the precepts to issue.

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in and precepts ordered to issue.

The City Marshal made the following report :

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—I have notified John A. Whitsit, Oscar Kelley and J. J. Palmer of the pendency of one Farmer's suit for alleged damages by falling into the Tunnel.

THOMAS D. AMOS, City Marshal.

Which was received.

The City Commissioners submitted the following report:

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—The City Commissioners having been notified to meet on the 16th December, 1872, to assess benefits and damages from opening the Pogue's Creek Gravel Road and the White River Gravel Road, would respectfully report:

That we met on said cases and were notified by the City Clerk that the notices had not been served on all the property holders. We have therefore taken no action in the cases.

Respectfully submitted,

WM. S. HUBBARD,
J. F. RAMSAY,
SAMUEL M. SEIBERT,
IGNATIUS BROWN,
Board of City Com'rs.

Which was received.

By consent, Mr. Cottrell offered the following motion:

Moved, That the Captain of Police be instructed to have the ordinance relative to area grates strictly enforced, and also cellar doors.

Which was adopted.

The Board of Health submitted the following report:

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—The Board of Health submits the following mortality report for the week ending Dec. 23, 1872:

Under 1 year.....	4
From 1 to 2 years	0
From 2 and 5 years	0
From 5 to 10 years.....	0
From 10 to 15 years.....	0
From 15 to 20 years.....	3
From 20 to 25 years.....	0
From 25 to 30 years.....	1
From 30 to 40 years..	2
From 40 to 50 years..	0

From 50 to 60 years.....	0
From 60 to 70 years.....	0
From 70 to 80 years.....	0
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	10

Respectfully submitted,

J. A. COMINGOR, M. D., Pres't.

W. WANDS, M. D., Secretary.

Which was received.

Mr. Hardesty, from the Committee on Gas Light, made a verbal report, reporting back the time table for lighting and extinguishing public gas lamps during the year 1873.

Which was referred to the City Gas Inspector and City Clerk to have the same printed.

By consent, Mr. Craft offered the following motion :

Moved, That the Committee on Contracts be, and are hereby, instructed to purchase and have erected on all the street lamps at the corners of all streets intersected by Washington, South and New York streets, running east and west—the Atherton Street Marker—the price not to exceed the bid on the same made last winter.

Which was referred to the Committee on Gas Light.

The City Attorney made the following report :

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—General ordinance No. 72, of 1872, entitled "An ordinance to prevent the playing of the game of billiards on the first day of the week, commonly called Sunday," has been referred to me with instructions to give you my opinion as to its legality.

By the seventh paragraph or clause of section 53 of the Charter, it is provided that the Common Council shall have power to preserve peace and good order, prevent vice and immorality, and quell riots and disorderly assemblages.

By the ninth paragraph or clause of the same section, the Common Council is empowered to suppress gaming and gaming houses, &c.

I am of the opinion that the Common Council have the power to pass the ordinance, and the ordinance will be legal and can be enforced when passed.

I present herewith an amendment, or rather a substitute for the ordinance referred, and respectfully recommend that the substitute be adopted, as it more fully carries out the object of the original ordinance.

J. S. HARVEY, City Attorney.

Which was concurred in.

The City Attorney introduced general ordinance No. 77, 1872, entitled :

An ordinance to prevent the playing of the game of Billiards, Bagatelle, or Pigeon-Hole, on the first day of the week, commonly called Sunday.

Which was read the first time.

Mr. Kennington moved to strike the ordinance from the files.

On motion by Dr. Woodburn, the above motion was laid on the table.

Mr. Craft offered the following motion :

Moved, That the ordinance and amendments be referred to the Committee on Revision of Ordinances and City Attorney, with instructions to include Saloons and Cigar Stores, as coming under the provisions of the ordinance.

Which, on motion by Dr. Woodburn, was laid on the table.

Mr. Hardesty offered the following motion :

Moved, That the Indianapolis Gas Light and Coke Company be directed to light, extinguish and keep in repair the gas lamps in the roadways of the Illinois street tunnel, and the four sidewalk lamps at the foot of the sidewalk stairways, as per contract for lighting all public lamps.

Which was adopted.

Mr. Wiles offered the following motion :

Moved, That Hanway & Hanna have additional time granted them, until the 1st of May, 1873, to complete their contracts on John street and on William street, provided their bondsman consents.

Which was adopted.

Dr. Woodburn offered the following preamble and resolution :

WHEREAS, This city is now indebted in the sum of about \$600,000, and will be compelled in the next two years to raise large sums by taxation ;

And whereas, This county is engaged in building a costly Court House which will necessarily require a heavy county tax, one million of which will probably be drawn from this city ;

And whereas, High taxes are oppressive to the people and destructive to the prosperity of the city, tending to drive away capital and to deter men of wealth and enterprise from coming to live among us ;

And whereas, This city heretofore donated \$60,000 of the people's money to the Junction Railroad Company, under the guarantee of said company that the principal shops of said company should be located and forever remain in this city, which guarantee has been shamefully violated, and the city left without remedy ;

And whereas, The people of this county have already been taxed \$120,000 to aid in the construction of three railroads, now in operation, to connect Indianapolis with the coal fields of Western Indiana, and by this competition to reduce the cost of producing and transporting coal ;

And whereas, The people of this township, in 1869, were taxed \$65,000 to aid in the construction of the Indiana and Illinois Central Railroad, not one yard of which has been built in Marion county, notwithstanding the money has been long since wrung from the hard earnings of the people ;

And whereas, Certain gentlemen are now asking a donation of \$500,000, to be raised from the people of this township by taxation, to make a coal road, which they are to manage and own, and to the stock of which they have altogether subscribed but \$50,000, and have not even paid that ;

And whereas, All experience teaches that but little reliance can be placed in the promises of railroad corporations when its interests come in contact with the interests of the people ;

And whereas, A much less sum than \$500,000 would probably secure all the benefits likely to result from the construction of the proposed coal road by the present company ;

And whereas, There is a general complaint of hard times, scarcity of money

and difficulty in raising the taxes now levied, without the addition of this enormous burthen: Therefore,

Be it Resolved, By the Common Council of the city of Indianapolis, that in the opinion of this Council, it would be unwise at this time to raise, by taxation, from the people of this township, \$500,000 in aid of the proposed coal road, and we respectfully recommend to our fellow-citizens, without regard to party, to vote against the railroad appropriation.

His Honor, the Mayor, offered the following:

Moved, That the Common Council is the servant and representative of the people of Indianapolis, and that as such it is inexpedient to advise our constituents how to direct us in a popular vote.

Mr. Whitsit offered the following:

WHEREAS, There will be an important election held in Center township on the 9th day of January next, and the citizens and tax-payers of this city are largely interested in the same: Therefore, be it

Resolved, By this Council, that we earnestly request the legal voters of the city to inform themselves upon the subject, and by no means fail to cast their votes either for or against the project.

Mr. Gibson moved to lay the whole matter upon the table.

The question being on the motion to lay on the table,

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Cottrell, Craft, Gibson, Hardesty, Reagan and Wiles—7.

Those who voted in the negative were Councilmen Bigham, Bollman, Kahn, Kennington, Pressly, Rush, Sherwood, Thalman, Whitsit and Woodburn—10.

So the motion to lay on the table was not adopted.

The question being on the adoption of the resolution as offered by Mr. Whitsit,

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Cottrell, Craft, Gibson, Hardesty, Reagan, Whitsit and Wiles—8.

Those who voted in the negative were Councilmen Bigham, Bollman, Kahn, Kennington, Pressly, Rush, Sherwood, Thalman, and Woodburn—9.

So Mr. Whitsit's resolution was not adopted.

The question being on the adoption of the motion as offered by His Honor, the Mayor,

The ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Cottrell, Gibson, Hardesty and Wiles—5.

Those who voted in the negative were Councilmen Bigham, Bollman, Craft, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—12.

So the Mayor's motion was not adopted.

The question then being on the adoption of the resolution as offered by Dr. Woodburn, the following vote was had :

Affirmative—Councilmen Bigham, Bollman, Kahn, Kennington, Pressly, Rush, Sherwood, Thalman and Woodburn—9.

Negative—Councilmen Batty, Cottrell, Craft, Gibson, Hardesty, Reagan, Whitsit and Wiles—8.

So the resolution was adopted.

Dr. Woodburn offered the following motion :

Moved, That the City Clerk be, and is hereby, directed to procure at the earliest practicable moment, from James W. Brown, Esq., maps, profiles and statistics of the survey made by him at the expense of the city, of a line for

a coal road to Clay and Owen counties; but if the map and profiles are not prepared, then a sketch of the line, the distance run, and the probable grades—the result of any reconnoissance made in the direction of the line beyond the point reached when work was suspended, and his opinion as to the engineering difficulties, and the character of them in that direction, between the end of his survey and the then proposed terminus of the road—the object being to get information, approximately, with the least expenditure of time and labor as to the feasibility of locating a cheap and workable road on the line proposed, whether of his own personal knowledge or by information from others considered by him reliable.

Mr. Cottrell moved that the report be presented to Council on the third Monday in January.

Which, on motion by Dr. Woodburn, was laid on the table.

Mr. Craft offered the following amendment:

Moved, That Mr. Brown, engineer, employed by this Council to survey the route for the proposed coal road, be requested to deposit with the City Clerk at his earliest convenience (providing no additional cost shall be made), the maps, surveys and estimates in regard to the said road.

Which was not adopted.

On motion, Dr. Woodburn's motion was then adopted.

On motion by Mr. Cottrell, the matter of High street was referred to the Committee on Streets and Alleys and Civil Engineer, with instructions to report what the graveling of High st., excluding the sidewalks, was worth.

His Honor, the Mayor, presented the following:

INDIANAPOLIS, Dec. 30, 1872.

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

GENTLEMEN:—We would respectfully invite your honorable body to meet at the Tunnel to-morrow morning, at 11:30 o'clock, for the purpose of examining the recent improvements on South Illinois street, after which "Dinner."

J. J. PALMER,
WHITSIT & KELLÉY.

Which was accepted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.