

PROCEEDINGS
OF THE
COMMON COUNCIL

SPECIAL SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Thursday July 31, 1873, 7½ o'clock, P. M. }

The Common Council met pursuant to adjournment.

Present—His Honor the Mayor, James L. Mitchell, in the Chair, and the following members :

Councilmen Adams, Bigham, Bollman, Brown, Darnell, Gibson, Gimber, Hardesty, Kahn, Kennington, McLaughlin, Peck, Pendleton, Pressly, Reagan, Rush, Sherwood, Stratford, Thalmann, Twiname, Ward and Woodburn—22.

Absent — Councilmen Anderson, Batty, Craft and Shepherd—4.

His Honor the Mayor, announced as the special order of business for the evening, the receiving and hearing reports from the Standing Committees.

Mr. Brown, from the Committee on Finance, submitted the following report:

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—The Finance Committee, to whom was referred the claims of the Cabinet Makers' Union, and sundry other parties, for alleged damages sustained by reason of the overflow of Pogues Run on July 2d to 4th; also the claim of Peter Early for damages to foundation of his house on Stevens street, by reason of an overflow caused, as is charged, by a defective sewer.

Your committee do not believe the Council ought to pay, voluntarily, damages on exparte statements of claimants, and therefore recommend that no allowance be made the parties, unless in pursuance of judgments rendered by the courts.

AUSTIN H. BROWN,
DAVID GIBSON,
J. H. WOODBURN,
LEON KAHN,
Finance Committee.
B. K. ELLIOTT,
City Attorney.

Which was concurred in.

Dr. Woodburn moved that Mr. Bigham be allowed to file a minority report.

Which was adopted.

Mr. Sherwood, from the Committee on Sewers, submitted the following report:

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—A communication was referred to your committee from James W. Brown, Esq., City Civil Engineer, stating that proposals had been invited for building a brick arch over the Central Canal on

Washington street, similar to the one built over said canal on Maryland street, and stating that if it is the intention of the Council to make a sewer in said street, that what is now already built will be useless for that purpose, as the arches are entirely too low. Proposals have already been submitted for said arch, across Washington street, but if it is the intention of the Council to build a public sewer in said Missouri street, and to be a portion of the public sewers, on the sewerage plan adopted by the Council on the recommendation of Moses Lane, we would recommend that the Committee on Contracts be directed to reject the proposals submitted for building the arch in Missouri street, at the crossing of Washington street; but in case the Council do not intend to make a public sewer to conform to the general sewerage plan, we see no reason why said work should not be awarded.

Respectfully submitted,

L. Q. SHERWOOD,
H. S. BIGHAM,
J. C. ADAMS,
Com. on Sewers.

Which was concurred in.

Also, the following report:

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Sewers, to whom was referred an ordinance extending the Second street sewer from Meridian to Pennsylvania street, to connect with the sewer now under contract from Meridian to Illinois street, believe said sewer should be made, but not under the ordinance referred to your committee, as said ordinance makes no provision for taxing the property on each side of said sewer. We would therefore recommend that said ordinance so referred be stricken from the files, and that the City Attorney prepared an ordinance for said purpose, and submit the same to this Council at its next meeting.

A motion was also referred to your Committee directing the Street Commissioner to lay a pipe drain across Washington street, on the west side of East street. We would recommend that said motion be adopted.

A motion was also referred to your Committee on Sewers and Civil Engineer, to prepare plans and draw up an ordinance for the construction of a sewer from State avenue west on Market street, to connect with the sewer on Market street, at the old corporation line. As no injury can result if said sewer is not built this year, to any of

the property through which it is to run, your Committee would recommend that the sewer be built.

Respectfully submitted,

L. Q. SHERWOOD,
H. S. BIGHAM,
J. C. ADAMS,

Committee on Sewers.

Which was referred back to the Committee.

Mr. Sherwood, from the Committee on Water Works, submitted the following report :

INDIANAPOLIS, JULY 31, 1873.

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

Gentlemen—Your Committee on Water Works, to whom was referred a motion introduced by H. S. Bigham, Esq., to have a drinking fountain at the corner of Washington street and the Michigan road, and also a motion introduced by Austin H. Brown, Esq., to have one located at the corner of Washington street and Virginia avenue, have examined said locations and are of opinion that said fountains should be placed at the points designated, and that your committee be authorized to contract with some person to have them erected,

Respectfully submitted,

EDWARD REAGAN,
L. Q. SHERWOOD,
Com. on Water Works.

Which was concurred in.

Mr. Bigham, from the Committee on Streets and Alleys, submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Streets and Alleys, to whom was referred sundry papers, would respectfully report :

FIRST.

A remonstrance was referred to your committee, signed by Wm. Fieber, M. Donlan, Pat Moran, and others, real estate owners fronting on Sinker street, remonstrating against the passage of an ordi-

nance for curbing and paving with brick the sidewalks on Sinker street, between Alabama and New Jersey streets, believing said ordinance should be passed, we herewith report back the remonstrance and recommend that the ordinance be placed on its passage.

SECOND.

A petition was also referred to your committee, signed by Edward King, Sarah Snyder, and the Indianapolis & St. Louis Railroad Co., by Edward King, Secretary, petitioning the Council to vacate a 12 foot alley lying between lots Nos. 129 and 130, in Noble's subdivision of a part of out-lots 45, 50, 55, 56 and 61; and also a 12 foot alley lying between lots Nos. 130 and 131, in the aforesaid subdivision, each of said alleys extending between Railroad and Peru streets as per plat filed by the said petitioners.

Your committee would recommend that the prayer of the said petitioners be granted, on condition that they give the required notice, and be at all expense incurred in said vacation.

THIRD.

An ordinance was also referred to your committee granting the Peru Railroad Company the privilege to lay a track on the north sidewalk on Massachusetts avenue, at the crossing of the Peru Railroad Company's track. Your committee would respectfully report in favor of granting them the right of laying down said track, when they present to this Council a proper plat and ordinance, showing where said track is to be located, under the proper restrictions and conditions generally embodied in said ordinances protecting the citizens in the vicinity of said tracks.

Respectfully submitted,

H. S. BIGHAM,
E. J. HARDESTY,
JOHN T. PRESSLY,
Com. on Streets and Alleys.

Which was concurred in.

Also, the following report:

INDIANAPOLIS, July 30, 1873.

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

Gentlemen—Your Committee on Streets and Alleys, to whom was referred sundry papers, would respectfully report:

FIRST.

A motion was referred to your committee directing the Street Commissioner to repair Massachusetts avenue, where it is needed, from Michigan street to the crossing of the Peru Railroad on said avenue. We would recommend that the Councilmen representing said ward introduce an ordinance to improve said street.

SECOND.

A motion was also referred to your committee directing the Street Commissioner to repair West street and the west sidewalk of said street, where needed, and clean the gutters between Merrill and Jones street, and enlarge the first culvert on West street, south of McCarty street, to three feet. We would recommend that the Street Commissioner carry out the provisions of this motion.

THIRD.

A motion was also referred directing the Street Commissioner to lower the grade of the gutter on the south side of Washington street, between the first alley east of West street and Missouri street. We would recommend that the above motion be referred to the City Civil Engineer for his opinion and report.

FOURTH.

A motion was also referred to your committee directing the Street Commissioner to fill up to the proper grade with gravel that part of Merrill street, between East street and Virginia avenue, where the sewer crosses the same. Your committee would report that the Street Commissioner carry out the provisions of said motion.

FIFTH.

A motion was also referred directing the Street Commissioner to fill the mud hole in the first alley north of St. Mary street, between Alabama and New Jersey streets. We would recommend that he do the work required by this motion.

SIXTH.

A petition was also referred to your committee from the property holders on Sullivan street, from McCarty to Bismarck street, to have said street improved by grading and graveling. Believing said street should be improved, we would recommend that the ordinance now on the files be passed.

SEVENTH.

An ordinance was also referred to your committee for grading and graveling Sullivan street and sidewalks from McCarty to Buchanan street. As the street is in a pretty good condition, we herewith report back the ordinance, and recommend that the same be stricken from the files.

EIGHTH.

A proposition was also referred to your committee from one J. B. Gridley, to repair the wooden block pavements in the city. We would recommend that no action be taken at this time on said proposal.

NINTH.

A remonstrance was also referred to your committee, signed by James W. Hudson and others, remonstrating against the passage of an ordinance to improve Jones street. As there is no necessity for said improvement, we recommend that said improvement be not made; and if there is an ordinance pending, that it be stricken from the files.

TENTH.

A remonstrance was referred also from H. C. Hand and others, complaining about the improvement of Dunlap street and sidewalks. As said work has been under contract since last May, and as a contract when made cannot be set aside, we cannot make any recommendation in the premises, but that the property holders and the contractor make any arrangements they wish to.

ELEVENTH.

A remonstrance was also referred to your committee from L. Bodenmiller and others, property holders, remonstrating against the opening of Broadway street to Massachusetts avenue. Your committee reported on this subject before, that if said property holders desiring said Broadway street extended, would pay the damages to those injured, we would have no objections; to which opinion we still adhere. The best way, we think, would be for those benefited to make some arrangement with those injured.

TWELFTH.

A communication was presented from John C. Wright, asking Council to postpone the grading and graveling of Rhode Island street from Blake street to its western terminus. As the contract for said work is already awarded, we would report against granting the prayer of said petitioners.

THIRTEENTH.

A remonstrance was also referred to your committee from Thomas O. Flaherty and others, on the line of the alley running north and south from Wyoming to Bicking street, between New Jersey and High street, against the improvement of the same, and cutting the same down to a low grade. Your committee report in favor of the improvement of said alley and opposed to cutting it down, but that the gravel be placed on said alley after leveling the surface only.

FOURTEENTH.

An ordinance was also referred to your Committee for grading, graveling and curbing the outside edges with stone and bowldering the gutters with stone, and flagging and bowldering the crossings on South street and sidewalks, from the east side of Illinois street, to 30 feet east of the M. & I. Railroad tracks. Your Committee believe said street should be improved as provided in the ordinance referred to, but that the improvement as contemplated in said ordinance by grading and graveling, should be stricken out of said ordinance, and that the City Civil Engineer be directed to advertise for proposals to do that portion at the expense of the city, from the fact that before said sewer was built on said street there was no better graded and graveled street in the city. The gravel was hauled away and mud substituted. We therefore say that simple justice to the property-holders would be for the city to make it as good as it was before the sewer was built on said street.

Respectfully submitted,

HEYDEN S. BIGHAM,

JOHN T. PRESSLY,

E. J. HARDESTY,

Com. on Streets and Alleys.

A separate vote was demanded on each paragraph. Each paragraph as read was concurred in. The last paragraph was adopted by the following vote :

Affirmative—Councilmen Bigham, Bollman, Brown, Gimber, Hardesty, Kahn, Kennington, McLaughlin, Pendleton, Pressly, Reagan and Stratford—12.

Negative—Councilmen Adams, Darnell, Gibson, Rush, Sherwood, Thalman, Twiname, Ward and Woodburn—9.

Mr. Bigham, from the Committee on Finance, submitted the following minority report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—The undersigned would beg leave to differ from the majority report of the Committee on Finance, in relation to payment of damages to the sufferers, caused by the overflow of Pogues run, from the fact that the people on the line who are damaged are poor and cannot go into court and successfully compete with the city; and again, I do not think the city ought to ask them to go into court, when a less expensive way can be obtained.

H. S. BIGHAM.

Mr. Kennington moved to reconsider the vote by which the majority report from the Committee on Finance was concurred in.

Mr. Thalman moved to lay Mr. Kennington's motion on the table.

Which motion to lay on the table was adopted by the following vote :

Affirmative—Councilmen Adams, Bollman, Brown, Darnell, Gibson, Hardesty, Kahn, McLaughlin, Sherwood, Thalman and Woodburn—11.

Negative—Councilmen Bigham, Gimber, Kennington, Pendleton, Pressly, Reagan, Rush, Stratford, Twiname and Ward—10.

Mr. Gibson, from the Committee on Fire Department, submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Fire Department, to whom was referred sundry papers would respectfully report:

FIRST.

That we have contracted with the Silsby Manufacturing Company for repairing the steam fire engine No. 1.

SECOND.

We would recommend the building of a new house for hose reel on South street large enough to contain a hook and ladder truck, and would request that your committee be instructed to procure plans and specifications and an estimate of the cost of the proposed building.

THIRD.

We would also recommend the purchase of six new fire alarm telegraph boxes, to be located in different parts of the city where needed under the direction of your committee and Chief Fire Engineer. Also, that we be authorized to purchase one car load of telegraph poles and sufficient amount of wire for telegraph purposes.

FOURTH.

We would also recommend the appointment of some suitable person as Assistant Chief Fire Engineer, and herewith submit an ordinance defining his duties.

FIFTH.

That two additional men be appointed to be stationed at the hook and ladder house. One of said men to assist the Superintendent of the Fire Alarm Telegraph when necessary, and that a horse and wagon be purchased for the use of the Superintendent of the Fire Alarm Telegraph.

SIXTH.

That we have made the following agreement with the Silsby Manufacturing Company :

PROPOSITION TO THE CITY OF INDIANAPOLIS.

The Silsby Manufacturing Company agree to furnish for the use of the Indianapolis Fire Department, free of expense, one of their improved steam fire engines while steamer number one is being repaired.

Said steam fire engine number one to be shipped to the Silsby Manufacturing Company's works at Seneca Falls, New York, for repairs. The machine to be examined upon its arrival there, and if a new boiler is required the expense of a new boiler of the improved construction and complete rebuilding of the machine be two thousand five hundred dollars, (\$2,500.) The Silsby Manufacturing Company agreeing to put on all their recent improvements and make the machine complete in every particular, equal in every respect to one of their new machines as now manufactured. In case a new boiler is not required the expense for new crown shut flues and putting the machine in good repair and condition for efficient fire duty, the expense to be from eight hundred to one thousand dollars, according to the work required. The City of Indianapolis to pay freight each way.

Accepted by the Fire Committee July 17th, 1873.

Respectfully submitted,

DAVID GIBSON,
ROBERT KENNINGTON,
Com. on Fire Dept.

Which was concurred in.

By consent, Mr. Gibson offered the following motion :

Moved, That the Chief Fire Engineer be directed to invite all competitors for purchasing steam fire engines, to bring their engines here, and try them in the usual manner for testing engines, under the direction of the Chief Fire Engineer and Committee on Fire Department, that the City Council may be able to buy the best. Such test to be had on the 15th day of September, 1873.

Which was adopted.

Mr. Pressly, from the Committee on Gas Light submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Gas, to whom was referred proposals for the erection of lamp-posts on the following named streets, have examined the same, and find them to be as follows, to-wit :

On Ohio street, from Noble to Highland street.

On Lockerbie street, from Noble to Liberty street.

On College avenue, from Home avenue to Tinker street.

On Park avenue, from Home avenue to Lincoln street.

On Alabama street, from St. Joseph street to Home avenue.

On Wyoming street, from Delaware to High street.

On East street, from Dougherty to Morris street.

On Wabash street, from Mississippi to Missouri street.

On Washington street, from Orien street to the corporation line east.

On Ash street, from Christian to Massachusetts avenue.

On Fletcher avenue, from Noble to Cedar street.

On McCarty street, between Tennessee and Illinois streets.

On Indiana avenue, from St. Clair to Blake street.

On Tennessee street, from South to Ray street.

On Fayette street, between North and St. Clair streets.

On McCarty street, from Tennessee to West street.

On Bright street, from New York to Michigan street.

D. Root & Co., \$30.63 per post and lamp.

D. Coulter, \$29.75 per post and lamp.

The lamps to be used to be the Cincinnati square lamp.

D. Coulter being the lowest and best bidder, we recommend that he be awarded the contract for the erection of said lamp-posts, lamps and fixtures, and that the City Gas Inspector enter into contract with said D. Coulter, for the erection of said posts and fixtures.

Respectfully submitted,

JOHN T. PRESSLY,
FRED. C. BOLLMAN,
Committee on Gas.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Gas, to whom was referred sundry papers, would respectfully report :

FIRST.

Was a motion offered by Thomas S. Peck, Esq., Councilman, directing that a special committee be appointed to see what reduction the Gas Company will make in the price of gas, lighting the lamps all night and for burning 3,000 feet of gas per month, instead of 2,000 feet which they furnish now. Your committee are in favor of the passage of the said motion, and recommend that said special committee consist of Messrs. Peck, Darnell and Shepherd.

SECOND.

A motion was also referred to your committee by C. F. Darnell, Councilman, instructing the Committee on Gas to confer with the Gas Company and ascertain whether said Company cannot voluntarily lay down mains on North Tennessee street as far north as Twelfth street, before the wooden block pavement is laid down. We would represent that the Gas Company can under their charter lay gas mains on any street or alley in the city if they desire to do so, but you cannot compel them to lay down gas mains on any street until the property holders give bond and security that they will take fifteen burners to each 510 feet.

Respectfully submitted,

FRED. C. BOLLMAN,
JOHN T. PRESSLY,
Committee on Gas.

Which was concurred in.

Mr. Gibson, from the Committee on Railroads, submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—We have examined the proposed location of the rail-

road switch petitioned for by the Capital City Planing Mill, and recommend that the prayer of the petitioner be granted.

Respectfully submitted,

DAVID GIBSON,
ROBERT KENNINGTON,
Committee on Railroads.

Which was concurred in.

Mr. Gibson, from the Committee on Revision of Ordinances, submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Revision of Ordinances, to whom was referred an ordinance entitled, "An ordinance to amend Sec. 6 of an ordinance entitled, 'An ordinance relative to the licensing and regulating of certain extraordinary trades,'" herewith report back the ordinance, and recommend its passage.

Respectfully submitted,

DAVID GIBSON,
LEON KAHN,
Committee on Rev. of Ordinances.

Which was concurred in.

Mr. Hardesty, from the Committee on Public Buildings, submitted the following report :

INDIANAPOLIS, July 31, 1873.

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

Gentlemen—Your Committee on Public Buildings, to whom was referred a motion presented to the Council by Dr. J. H. Woodburn, directing that the Police Court Room be righted by placing new matting upon the floor where needed, white washing the walls and furnishing extra settees and chairs, all at a cost not to exceed one hundred and fifty dollars. Would recommend that said motion be adopted and the committee empowered to carry the same into effect.

Respectfully submitted,

E. J. HARDESTY,
LEON KAHN,
Com. on Public Buildings.

Which was concurred in.

On motion, the Council adjourned.

JAMES L. MITCHELL,

MAYOR.

ATTEST :

JOHN R CLINTON,

City Clerk.