PROCEEDINGS

OF THE

COMMON COUNCIL

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS,

Monday, August 28, 1871, 7½ 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, Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Craft—1.

The proceedings of the regular session, held August 21, 1871, and of the adjourned session, held August 22, 1871, were read and approved.

Sealed proposals were opened and read and referred to the appropriate Committees.

REPORTS FROM OFFICERS.

The Civil Engineer made the following report:

Indianapolis, Ind., August 28, 1871.

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

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

Length on west side.....1,445 ft.

Total length......2,890 ft., at \$1.06 per l. ft. \$3,063 40

55 00

Present payment..... \$89 10
Respectfully submitted,

R. M. PATTERSON,

Civil Engineer.

Which was concurred in.

The City Clerk made the following report:

Indianapolis, Ind., August 28, 1871.

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

Gentlemen—The City Clerk respectfully reports to Council,

FIRST.

First and final estimate allowed Cogill & Bernauer, for grading and graveling Daugherty street and sidewalks, from Wright street to Virginia avenue.

SECOND.

First and final estimate allowed John Scheir, for grading and graveling the first alley east of Broadway street, running north and south, from St. Clair street to Arch street.

THIRD.

First and final estimate allowed S. W. & R. H. Patterson, for grading and graveling Delaware street and sidewalks, from Tinker street to the north line of Root & Allen's addition.

Respectfully submitted,

JOHN R. CLINTON,

City Clerk.

Which was concurred in.

Also, the following resolution:

Resolved, That the foregoing first and final estimate, allowed John Schier, for grading and graveling the first alley east of Broadway street, running north and south from St. Clair street to Arch street, be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

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

Negative-None.

Also, the following resolution:

Resolved, That the foregoing first and final estimate allowed Cogill & Bernauer, for grading and graveling Daugherty street and side-walks, from Wright street to Virginia avenue, be, and the same is hereby, adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

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

Negative-None.

Also, the following resolution:

Resolved, That the foregoing first and final estimate allowed S. W. & R. H. Patterson, for grading and graveling Delaware street and sidewalks, from Tinker street to the north line of Root & Allen's addition, be, and the same is hereby, adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote:

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

Negative-None.

The Sewerage Engineer made the following report:

Indianapolis, August 28, 1871.

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

GENTLEMEN — The following is the sixth and partial estimate allowed Wirth & Co., on account of first division of South street sewer:

		4.0	001 115	- 1
2,575 lineal feet of sewer	\$12	10	\$31,157	90
5 manholes	42	13	252	78
180 house connections		75	135	00
			31,545	28
Less 15 per cent	• • • • • • •		4,731	79
			26.813	40
			20.813	49

Less former payments		22,982 74
Sixth payment		3,830 75
Also, the following fourth and partial estimates	nate allowe	d Wirth &
Co., on account of the second division of the	South street	sewer:
1,960 lineal feet of sewer	9 27	18,169 20
3 manholes	42 13	126
150 house connections	75	112
		18,480 90
Less 15 per cent		2,761 21
		15,646 88
Less former payments	•••••	13,546 06
Fourth payment		2,100 82
. * *		
Also, the third and partial estimate allowed V	Virth & Co.,	on account
of the third division of the South street sewer		
3,032 lineal feet of sewer	\$9 23	\$27,985 36
5 manholes	42 13	210 65
200 house connections	75	150 00
2 catch basins	122 25	244 50
		20.500.51
T 4F		28,590 51
Less 15 per cent		4,288 58
		24,301 93
Less former payments		15,119 07
Third payment	•••••	\$9,182 86
Also, the following fourth and partial estin		d John W.
Dodd & Co., on account of the Illinois street		
893 lineal feet of sewer	3 25	2,902 25
827 lineal feet of sewer	4 50	3,721 50
9 manholes	30 00	270 00
128 house connections	75	96 00
		6,989 75
Less 15 per cent.		1,048 46
•		
		5,941 29

Less former payments..... 4,139 08

Respectfully submitted,

J. W. BROWN.

Indianapolis, Ind., August 28, 1871.

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

GENTLEMEN—I would respectfully recommend to the Council to notify the Jeffersonville, the Union, the Vincennes, the Terre Haute, the Lafayette, and the Indianapolis & St. Louis R. R. companies, under whose tracks the sewer is about to be constructed, to protect their tracks from injury from any necessary excavation.

Respectfully submitted,

J. W. BROWN,

Which was concurred in, and on motion, the Marshal was instructed to serve the necessary notice on said railroad companies.

The Market Master made the following report:

Indianapolis, Ind., August 28, 1871.

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

GENTLEMEN—The Market Master, in accordance with a motion presented to Council, August 22, 1871, and referred to the Committee on Markets, by which I was instructed to report the amount of money received on account of sale of Market stalls, etc., would respectfully report that I have received on stall rent the sum of six hundred and ninety-five dollars, (\$695 00,) as per receipts of City Treasurer, in my possessiou.

I would state further that the outside stands have not yet been sold, the time not expiring until the 12th of September, 1871.

I would report in regard to number of benches taken away from the west market house, that there has, in my opinion, been twentyfive or thirty benches removed without authority.

Respectfully submitted,

JOHN UNVERSAW,

Market Master.

Which was concurred in.

The Chief Fire Engineer made the following report:

Indianapolis, Ind., Aug. 28, 1871.

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

GENTLEMEN—The Chief Fire Engineer would respectfully report the following cistern finished according to the terms of his contract:

Preston Litton, one cistern at the corner of Forest avenue and Pine street, and would recommend that a final estimate be allowed for the same, less the amount to be deducted for filling, etc.

Respectfully submitted,

DANIEL GLAZIER, Chief Fire Engineer.

Which was concurred in.

The City Attorney made the following report:

Indianapolis, Ind., August 28, 1871.

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

GENTLEMEN—In the matter of improving the north sidewalk of Georgia street, between Meridian and Pennsylvania streets, by curbing the same with Flat-Rock stone, and paving it with Leffler patent cement stone, in which John Macauley is the contractor and has completed the contract.

In examining the papers I find there is no ordinance authorizing

the letting of the contract.

The ordinance provides "that the outer edge of the north sidewalk of Georgia street, between Meridian and Georgia streets, be curbed with Flat-Rock stone, and that the said sidewalk be graded and paved with the Leffler patent cement stone."

This ordinance is a nullity and does not authorize the improvement.

Again, the Clerk, in advertising the letting of the contract, says, the curbing is to be done with Flat-Rock or *Putnamville stone*; this is not in accordance with the ordinance on that point, and might of itself avoid the contract.

Respectfully submitted,

J. S. HARVEY,

City Attorney.

Which was referred to the Committee on Streets and Alleys.

The City Attorney made following report:

Indianapolis, Ind., August 28, 1871.

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

GENTLEMEN—An ordinance No. 12, 1871, entitled an ordinance abolishing the office of City Sealer of Weights and Measures, and repealing sections 13, 14, 15, 16, 17, 18, 19, 20, 21 and 22, of an ordinance entitled, "An Ordinance describing the powers, functions and duties of general city officers," ordained May 4, 1864, has been referred to me with instructions to report an ordinance, setting forth and defining the duties, etc., of the City Sealer.

Now, in regard to the matter referred, I am at a loss to report, for the reason that the precise matter requiring a report is not specified. Yet, I take the liberty of presenting for the action of the Council, the accompanying ordinance, which, I think, ought to be passed.

Respectfully submitted,

J. S. HARVEY,

City Attorney.

Which was received.

Also, General Ordinance No. 47, 1871, entitled:

An Ordinance in reference to the sealing of weights and measures in the city of Indianapolis.

Which was read the first time.

The City Attorney made the following report:

Indianapolis, August 28, 1871.

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

GENTLEMEN-I am required to report on the following inquiry:

"If the Council should repeal the ordinance relieving the Citizens Street Railway Company from improving between their tracks and two feet on each side, where would the expenses fall after that time? whether to the property on each side of the line improved, or whether to the city, to be paid out of the city treasury, or to the Citizens Street Railway Co.?"

Section 4, of an ordinance entitled, "An Ordinance to amend an ordinance entitled, 'An Ordinance authorizing the construction, extension and operation of certain passenger railways, in and upon the

streets of the city of Indianapolis,' ordained and established the 18th day of January, 1864, ordained and established February 21, 1870,"' releases and guarantees said Street Railway Co. from all liability on account of street improvements, ordinary repairs of streets excepted, made since the passage of the ordinance of November 4, 1867, or which may be made prior to January 1, 1878. The same ordinance provides that the Company shall, within certain times, double-track certain sts., and also exempts the Company from taxation until 1874.

Now, if the Common Council had the power to pass the ordinance referred to nothing can be gained by repealing the ordinance, as the expenses of improving the streets between the tracks and two feet on each side thereot, could not be collected off of the Company, but would be borne by the city, or assessed against the property owners as provided in section 70 of the charter.

Respectfully submitted,

J. S. HARVEY,

City Attorney.

Which was concurred in.

The City Attorney submitted the following report:

Indianapolis, Ind., August 28, 1871.

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

Gentlemen—The undersigned, Civil Engineer of said city, and one of the Committee to whom was referred a motion relative to the removal of a water tank recently erected by the Indianapolis, Cincinnati & Lafayette R. R. Co., on Louisiana street, just east of East street, reports that he has made the necessary examination and measurement, and finds the north line or side of the tank, to be 42 feet south of the north line of Louisiana street, that said tank is about 14 feet wide, north and south, and is wholly in or upon Louisiana street.

The undersigned City Attorney, one of said Committee, reports that the removal of said water tank is entirely within the discretion of the Common Council, as they have under the charter the control of the streets and alleys.

Respectfully submitted,

R. M. BROWN, City Civil Engineer. J. S. HARVEY, City Attorney,

Committee.

Which was concurred in.

Mr. Whitsit moved that the Street Commissioner be instructed to remove said tank.

Mr. Gimber moved to lay the motion on the table.

Which was adopted.

The City Commissioners made the following report:

Indianapolis, Ind., August 28, 1871.

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

GENTLEMEN—The City Commissioners have acted on the petition of J. W. Dryer, for the opening of Second street, from Meridian street to Pennsylvania street.

The petition and order of reference seems to leave the location and width of the proposed street, to the discretion of the Commissioners. We therefore carefully examined the several lines specified in the petition and heard the statements of the lot owners in regard thereto, and after full consideration arrived at the following conclusion:

The street, if opened, should be made at least 60 feet wide, and on a direct easterly line from the present end of Second street, as laid out in Drake's addition.

The property-holders seem opposed to the opening of any streets in this section. They place a high value on the ground required for such highways, and deny that any appreciable benefits result to their property from the opening of such streets. If we are governed by their wishes in the matter, the streets must be paid for almost entirely from the city treasury, or remain unopened, for they assert that there is no advantage to them. If this be the case, we can not see how the city is so much more interested in the matter than those whose property borders on such streets, and would have the immediate benefits, if any, therefrom.

We would recommend that this street, if opened, be opened 60 feet wide, and that it be located on a line directly east from the present east end of Second street in Drake's addition. From our own examination and the opinion of the owners of adjoining property, we estimate the damages and benefits as follows:

DAMAGES.

To Valentine Butch & Jas. Dickson, for a strip of ground 60 feet wide on Pennsylvania street, by about 211 feet deep in lots 5 and 4, in Butsch & Goepper's subdivision of lots 5 and 6, St. Clair's addition	3,600	00
Total damages	\$7,200	00
BENEFITS.		
To F. Geopper, on lot 2, in Butsch & Goepper's, as above. To F. Goepper, on lot 3, in Butsch & Goepper's, as above. To Valentine Butsch & Jas. Dickson, on lot 4, in Butsch & Goepper's subdivision of lots 5 and 6, in St. Clair's	240 240	00
addition	240	00
To V. Butch & Jas. Dickson, on lot 5, in Butsch & Goepper's subdivision, as above	240	00
Total benefits on the adjoining lots	\$960	00
Balance of damages left unprovided for by benefits on the adjoining lots	6,240	00

It is thus seen that after taxing the benefits on the adjoining lots, to which limit we are restricted, under the ruling of the City Attorney, there is a balance left of \$6.240 to be provided for. We do not think the city is interested to this extent, or even any great part of it, in opening a street through only one square. If it and others in this section are to be continued at this rate of expense, it would be best to open all of them at once, and thus ascertain the full extent of the burthen to be assumed by the treasury. As Commissioners, we are unwilling to say that the city should pay this sum in the present case. We therefore return the assessment as above, for the final determination of the Council.

Respectfully submitted,

IGNATIUS BROWN, JOSEPH M. SUTTON, WM. S. HUBBARD,

Board of City Commissioners.

Which, on motion, was laid on the table.

The City Commissioners made the following report:

Indianapolis, August 28, 1871

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

GENTLEMEN—The City Commissioners have acted in the matter of the extension of Mississippi street, from Seventh street to Twelfth street, on the line between lots 5 and 6, and the lots north of the same, in Henderson's addition, and submit the following assessment of damages and benefits resulting from such extension.

We estimate the damages as follows:

To Henry C. Moore for, a strip 30 feet wide off the west end or side of lot 5, in Henderson's addition, in N. E.		
½ sec. 35, town 16, range 3, valued at	\$550	00
To Henry C. Moore, for a strip 30 feet wide off east end		
or side of lot 6, in Henderson's addition, valued at	550	00
To Herman H. Unversagt, for a strip 30 feet wide off west		
end or side of lot 8, in Henderson's addition, valued at.	500	00
To Herman H. Unversagt, for a strip 30 feet wide off east		
end or side of lot 7, in Henderson's addition, valued at	500	00
To Isaac M. Shideler, for a strip 30 feet wide off west end		
or side of south half of lot 17, Henderson's addition,		
valued at	225	00
To Isaac M. Shidler, for a strip 30 feet wide off east end		
or side of south half of lot 18, in Henderson's addition,	204	0.0
valued at	225	00
To Wm. Braden, for a strip 30 feet wide off west end or		
side of north half of lot 17, Henderson's addition, val-	225	00
ued at	449	00
To Wm. Braden, for a strip 30 feet wide off east end or side of north half of lot 18, Henderson's addition, val-		
ued at	225	00
To Sebastian Marten's heirs, for a strip 30 feet wide off	220	00
west end or side of lot 20, in Henderson's addition, val-		
ued at	400	00
To Sebastian Marten's heirs, for a strip 30 feet wide off		
east end or side of lot 19, in Henderson's addition, val-		
ued at	400	00
To the Trustees of the Colored Orphan Asylum, for about		
$35\frac{1}{2}$ feet off east side of lot 21, in Schurmann's subdivis-		

ion of north half, east half, northeast quarter sec. 35,	
town. 16, range 3	355 00
To the Trustees of the Colored Orphan Asylum, for about	
24½ feet off west side of lot 20, in Schurmann's subdi-	
vision as above	245 00
Total damages	\$4,400 00
We estimate the benefits from opening and extending M	ississippi
street on the line above stated, and to the width of 60 fe	
following lots and the owners thereof, as follows:	
To Henry C. Moore, on lot 5, Henderson's addition	\$605 00
To Henry C. Moore, on lot 6, " "	605 00
To Herman H. Unversagt, on lot 8, Henderson's addition	555 00
To Herman H. Unversagt, on lot 7, "	555 00
To Isaac M. Shideler, on S. half lot 17. "	253 00
To Isaac M. Shideler, on S. half lot 18, " "	253 00
To Wm. Braden, on north half lot 17, " "	252 00
To Wm. Braden, on north half lot 18, " "	252 00
To Sebastian Marten's heirs, on lot 20, " "	455 00
To Sebastian Marten's heirs, on lot 19, " "	455 00
To Fred. Endelking, on lot 14, in Allen's subdivision of	
lots 29 and 30, Henderson's addition	4 00
To Fred. Engelking, on lot 13, in Allen's subdivision of	
lots 29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 12, in Allen's subdivision of	
lots 29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 11, in Allen's subdivision of	
lots 29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 10, in Allen's subdivision of	
lots 29 and 30. Henderson's addition	4 00
To Horace R. Allen, on lot 9, in Allen's subdivision of lots	
29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 8, in Allen's subdivision of lots	
29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 7, in Allen's subdivision of lots	
29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 6, Allen's subdivision of lots	
29 and 30, Henderson's addition	4 00
To Horace R. Allen, on lot 5, Allen's subdivision of lots	
29 and 30, Henderson's addition	4 00
,	

To Horace R. Allen, on lot 4, Allen's subdivision of lots 29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 3, Allen's subdivision of lots		
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 3, Allen's subdivision of lots 19 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 2, Allen's subdivision of lots		
29 and 30, Henderson's addition	4	00
29 and 30, Henderson's addition	3	00
To Horace R. Allen, on lot 15, Allen's subdivision of lots		0.0
29 and 30, Henderson's addition	4	00
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 17, Allen's subdivision of lots 29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 18, Allen's subdivision of lots	*	. ,
20 and 30, Henderson's addition	4	00
To Horace R, Allen, on lot 19, Allen's subdivion of lots 29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 20, Allen's subdivision of lots		
29 and 30, Henderson's addition	4	00
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 22, Allen's subdivision of lots		
29 and 30, Henderson's addition	4.	00
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 24, Allen's subdivision of lots	4	00
29 and 30, Henderson's addition	-1:	00
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 26, Allen's subdivision of lots 29 and 30, Hendersen's addition	4	00
To Horace R. Allen, on lot 27, Allen's subdivision of lots		V
29 and 30, Henderson's addition	4	00
To Horace R. Allen, on lot 28, Allen's subdivision of lots 29 and 30, Henderson's addition	3	00
To the Trustees of the Colored Orphan Asylum, on lot 21,		

in Schurmann's subdivision of part of the n. $\frac{1}{2}$, e. $\frac{1}{2}$, n. e. qr., sec. 35, town. 16, range 3	25 00
To the Trustees of the Colored Orphan Asylum, on part of	
lot 20, in Schurmann's subdivision of part of n. \(\frac{1}{2}\), e. \(\frac{1}{2}\),	
n. e. ½, sec. 35, town. 16, range 3	25 00

The benefits thus equal the damages, and we therefore tax no benefits to the city of Indianapolis.

If the 30 foot alley east of lot 19, in Schurmann's addition, is hereafter vacated, we would suggest that the adjoining lot owners who would receive the benefit of the vacation, should be made in some way to give the value of the ground so acquired, to the Colored Orphan Asylum.

Respectfully submitted,

IGNATIUS BROWN,
JOSEPH M. SUTTON,
WM. S. HUBBARD,
Board of City Commissioners.

Which was referred to the Committee on Streets and Alleys.

On motion, the report of the City Commissioners in regard to the widening of Tinker street, from Illinois street to the Michigan road, submitted to Council August 14, 1871, was called up.

Dr. Woodburn moved that the majority report be concurred in.

Which was lost by the following vote:

Affirmative—Councilmen Batty, Heckman, Marsee, Thalman, Weaver, Whitsit, Wiles and Woodburn—8.

Negative—Councilmen Bigham, Brown, Cottrell, Gimber, Kennington, Locke, Newman, Reagan and Thoms—9.

On motion by Mr. Brown, the matter was then referred back to the City Commissioners.

On motion, the rules were suspended for the purpose of receiving reports from Committees.

Mr. Locke, from the Committee on Bridges, made the following report:

Indianapolis, Ind., August 28, 1871.

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

Gentlemen—The Committee on Bridges, to whom was referred the ordinance providing for the construction of a bridge or roadway over certain railroad tracks crossing Virginia avenue, beg to report, that they have examined the locality proposed in the ordinance, and believe the exigency of the situation demands relief, and unless a better mode of securing a safe transit across said railroads and Pogues run, on said Virginia avenue, than the plans proposed and submitted to your Committee, we would recommend the passage of the accompanying ordinance. At all events your Committee would recommend that the Clerk be instructed to advertise for bids for the construction of such road way or bridge, each bid to be accompanied with plans and specifications, the Council reserving the right to reject any or all propositions.

Respectfully submitted,

ERIE LOCKE,

HENRY GIMBER,

Committee on Bridges.

Which was concurred in.

Mr. Marsee, from the Committee on Fire Department, made the following report:

Indianapolis, August 28, 1871.

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

GENTLEMEN—Your Committee on Fire Department, with the Chief Fire Engineer, to whom was referred the proposition of Gamewell & Co. to furnish this city with their Automatic Fire Alarm Telegraph, to-wit, 50 signal stations and nine engine house gongs, making in all 59 stations, together with all the wire batteries, galvameters, &c., necessary to put the whole system in complete working order, divided into four circuits, to be operated as one through an

Automatic Repeater, for the sum of \$14,000, one-half to be paid on the completion of the work, and the remainder in two equal annual payments, with eight per cent. interest, said work to be completed in four months from date of contract. We would respectfully recommend that the Committee, together with the City Attorney and Chief Fire Engineer, be authorized to close the contract for the above named work.

Respectfully submitted,

JOHN L. MARSEE, WILLIAM W. WEAVER, ROBERT KENNINGTON, Committee on Fire Department.

Which was concurred in by the following vote:

Affirmative—Councilmen Batty, Bigham, Brown, Gimber, Kennington, Locke, Marsee, Thalman, Weaver and Wiles—10.

Negative—Councilmen Cottrell, Heckman, Newman, Reagan, Thoms, Whitsitt, and Woodburn—7.

On motion the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST .

JOHN R. CLINTON,

City Clerk.