

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JULY 15TH, 1867, 2 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 :

Messrs. Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard,  
Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker,  
Stanton and Woodburn—15.

Absent—Councilman Burgess and Schmidt—2.

The proceedings of the regular session held July 8th, 1867, and of  
the adjourned session held July 10th, 1867, were read and approved.

His Honor, the Mayor, announced that the special order of busi-  
ness was the consideration of the question of the vacation of a part  
of Biddle street and alley in Biddle's subdivision.

Mr. Colley called for the reading of the report of the Committee  
on Streets and Alleys, made July 1, 1867.

After which, Mr. Colley moved a suspension of the rules in order  
that Mr. Jacobs, attorney for the remonstrants, might be heard.

The question being on the suspension of the rules, those who voted  
in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell,

Davis Geisel, Henschen, Kappes, Loomis, MacArthur, Stanton and Woodburn—12.

No Councilman voting in the negative.

So the rules were suspended.

Mr. Jacobs then, in a forcible manner, presented to the Council what he considered the legal aspects of the case in question.

Mr. Colley moved a suspension of the rules for the purpose of hearing Mr. Seidensticker at length on the question at issue.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Stanton—12.

Those who voted in the negative were Councilmen Davis and Woodburn—2.

So the rules were suspended.

And Mr. Seidensticker proceeded to give his opinion on the subject.

Mr. Brown presented the following agreement:

INDIANAPOLIS, July 5, 1867.

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

ARTICLE OF AGREEMENT.

In consideration of a vacation by the Council of parts of a certain street and alley in Biddle's sub-division of a part of out lot No. 45, in the city of Indianapolis, particularly described in a petition now before the Council. The Bellefontaine Railroad Company hereby agrees that in case the future interests of the city, or of the public, require the re-opening of said parts of a street and alley, it shall be done, under proper proceedings of the Council, without any claim for damages on account of it, either by the said company or its assigns.

The Bellefontaine Railway Company by  
EDWARD KING, Sec. and Treas.

STATE OF INDIANA, }  
MARION COUNTY, } ss:

Personally appeared before me, David I. Hinkleley, a Notary Public in and for said county, Edward King, Secretary and Treasurer of the Bellefontaine Railway Company, and acknowledges the execution of the foregoing article of agreement, as witness my hand and Notarial Seal this 3d day of July, A. D. 1867.

D. J. HICKLEY, N. P.

Which was received and ordered to be spread upon the minutes.

Dr. Jameson offered the following motion:

That the petition and remonstrance under consideration, and all other

papers connected therewith, be referred to the attorney with the request that he give the Council a definite opinion as to whether the Council can in this case grant the prayer of this petition without violating the law or without incurring any damages against the city.

Which was adopted.

#### REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motion :

That the Street Commissioner be directed to construct a wooden culvert on the west side of Pennsylvania street at the intersection of Georgia street, also, a wooden culvert on the east side of Pennsylvania street at its crossing with South street.

Which was adopted.

Mr. Cottrell offered the following resolution :

*Resolved*, That Henry Busher, Sen., be notified by the City Marshal to have a wooden or tile sewer of not less than six inches internal diameter laid down under the gutter on the west side of Alabama street, between Cumberland street and Pogue's Run. *Resolved further*, that a resolution passed at the last meeting of this Council on the same subject is hereby reconsidered.

The question being shall the resolution be adopted? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Cottrell offered the following motion :

That the Street Commissioner be instructed to have the gutters on the South side of Merrill street, between Alabama and Delaware streets, repaired in such a manner as to prevent the water from running over the sidewalk between the limits aforesaid.

Which was adopted.

Mr. Cottrell, also, offered the following motion :

That the sidewalks on the east side of Delaware street, between Wyoming and Buchanan streets, be repaired by the Street Commissioner.

Which was adopted.

Mr. Cottrell, also, offered the following motion :

That the Civil Engineer be instructed to contract with the contractor for grading and graveling of East street, between Bicking street and the corporation line, for grading and graveling the crossing of Bicking and East streets.

Which was referred to the Board of Public Improvements, with instruction to have the work done, if they think proper.

Mr. Cottrell, also, offered the following motion :

That the Civil Engineer be instructed to establish a correct line of East street, between Merrill street and the Corporation line.

Which was adopted.

Mr. Cottrell, also, offered the following motion :

That the Street Commissioner be authorized to fill the "chuck" holes on Alabama street, between Washington street and Pogue's run.

Which was adopted.

Mr. Davis offered the following motion :

That the Street Commissioner be and is hereby directed to open the gutters on Ohio street, north side, near Illinois street.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be, and is hereby directed, to repair the crossing at the intersection of Indiana Avenue and Tennessee street so as to carry off the water.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be, and is hereby directed, to fill up the ruts on Tennessee street, between Michigan street and First Street.

Which was adopted.

Mr. Geisel offered the following motion :

That the Civil Engineer be, and is hereby directed, to set stakes for six gas posts on each square on Massachusetts Avenue.

Which was referred to the Committee on Streets and Alleys.

Mr. Geisel presented the following petition :

INDIANAPOLIS, July 15, 1867.

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

We, citizens and property holders living in the vicinity of Cherry street and Massachusetts Avenue, would respectfully petition your honorable body that Cherry street be extended from its present eastern terminus to Massachusetts Avenue.

Orin Aborn,  
S. J. Pickerill,  
Mark Ray,

James Carr,  
E. B. Dill,  
And 4 others.

Which was referred to the Committee on Streets and Alleys.

Dr. Jameson introduced general ordinance No. 92—entitled :

AN ORDINANCE providing for the weighing of coal.

Which was read the first time.

Mr. MacArthur offered the following motion :

That the numbers of the houses of that part of California street lately called Pitts street and James street, be so changed as to conform with the numbers on the old part of California street, for the reason that great confusion exists under the present numbering.

Which was adopted.

Dr. Woodburn introduced special ordinance No. 57—1867, entitled :

AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete, to burn gas, except the service pipe, on North street, between Illinois and Tennessee streets.

Which was read the first time by its title.

His Honor, the Mayor, appointed as a Committee on Public Schools Messrs. Loomis, Brown and Woodburn.

Sealed proposals were opened and read by the City Clerk, and referred to the Board of Public Improvements.

#### REPORTS FROM COMMITTEES.

Dr. Jameson, from the Finance Committee, made the following report :

INDIANAPOLIS, July 14, 1867.

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

Your committee to whom was referred the communication of G. B. Foljambe in regard to an error in his wife's tax list, respectfully report with the recommendation that the prayer of the petitioner be not granted. The law makes no provision for exempting property from taxation for which holders may have been in debt.

P. H. JAMESON,  
THOMAS COTTRELL, } *Committee.*

Which was concurred in.

Mr. Kappes, from the Committee on Benevolence and Hospitals, made the following report :

INDIANAPOLIS, July 15, 1867.

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

GENTLEMEN:—Your Committee to whom was referred an ordinance appro

priating monies for improvement done at City Hospital, respectfully report back said ordinance for the final action of the Council.

Respectfully submitted,

J. HENRY KAPPES, }  
W. H. LOOMIS. } *Committee.*  
HENRY GEISEL, }

Which was concurred in.

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 18, 1867.

Number of patients in the Hospital at last report.....	10
Number of patients received in the Hospital since last report.....	3
Number of patients born in Hospital since last report .....	0
Number of patients discharged from Hospital since last report.....	1
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	12

Which was received.

Mr. MacArthur, from the Special Committee, made the following report:

INDIANAPOLIS, July 15, 1867.

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

The Joint Committee to whom was referred the subject of the lake on East St. Clair street, beg leave to report that they have carefully examined the premises and are of the opinion that the pond created by excavation and removal of earth by order of the Bellefontaine Railroad Co., now some two hundred feet long, and varying at different points from twenty to fifty or sixty feet in width, is a nuisance.

At present the edges, embracing some eight or ten feet around the pond, are soft and muddy and constantly stirred up by the feet of animals resorting to the place for water. From this cause an offensive smell and noxious gas, highly deleterious to the health of the neighborhood, are engendered, and these ill effects are greatly intensified, as your committee believes, as the water recedes in dry seasons to its lowest ebb, when the entire surface is said to become covered with a green scum, alike offensive to the sight as it is obviously injurious to the health of those living near it.

As the surface of this collection of water appears to be near the water level of the city, it precludes the possibility of drainage by any process known to your committee, who therefore suggest as the only means of disposing of the difficulty, an earth fill of about four feet or about two feet above the ordinary water level, so as to allow room for the absorption of the usual rains.

Respectfully submitted,

GEO. W. MEARS, *Pres. Board of Health.*  
JOHN B. MACARTHUR, } *Committee.*  
SAMUEL GODDARD, }

Which was referred to the City Auditor and Civil Engineer, with instructions to report the probable cost, etc.

Dr. Jameson moved a suspension of the rules for the purpose of taking up ordinances on accour ts.

The question being shall the rules be suspended? those who

voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the rules were suspended.

Mr. Stanton called up special appropriation ordinance No. 38—1867, entitled:

AN ORDINANCE appropriating money for the payment of the City Printer,

Which was read the second and third times and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur called up special appropriation ordinance No. 41—1867, entitled:

AN ORDINANCE appropriating money for the use of the Market Master.

Which was read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Stanton offered the following motion:

That the City Auditor be directed to report an ordinance for the payment of all dues owing the Sheriff of Marion county for keeping city prisoners.

Which was adopted.

Mr. Kappes called up special appropriation ordinance No. 39—1867, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis,

Which was read the second and third times and placed upon its final passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn called up special appropriation ordinance No. 34—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims for the improvement of City Hospital,

Which was read the second and third times and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown called up special appropriation ordinance No. 42—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time, and, by unanimous consent, the rules were suspended, and it was read the second and third times and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown called up special appropriation ordinance No. 40—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the third time and placed upon its passage.



The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur moved a suspension of the rules for the purpose of electing a member of the Board of Public Improvements.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

Councilman Davis voting in the negative—1.

So the rules were suspended.

Candidates being nominated, they proceeded to ballot, which resulted in the election of Wm H. Loomis as a member of said Board, to fill vacancy caused by the resignation of C. F. Schmidt.

Mr. Goddard offered the following motion :

That the Street Commissioner be directed to see the parties owning the hay scales on Tennessee street between Washington and Maryland streets, and have them fix them or remove them as they may choose.

Which was adopted.

The City Auditor made the following report :

INDIANAPOLIS, July 15, 1867.

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

The City Auditor respectfully reports the following:

1st. First and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp posts and fixtures on School street between South and Huron streets.

2d. First and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp posts and fixtures on Tennessee street between Washington and Ohio streets.

3d. First and final estimate allowed Joseph Schwartzer for grading and graveling the south sidewalk on New York street between the Canal and West street.

4th. Contract and bond of Thomas H. Williams for grading and graveling the alley running north and south through out-lot No. 40, between Walnut and St. Clair streets.

5th. Contract and bond of James S. Coyner for building a bridge over Pogue's Run on Liberty street.

6th. Also, an ordinance allowing sundry accounts for city's portion for street improvements, and to Hiram Seibert for building a bridge over Pogue's Run.

Respectfully,

JOHN G. WATERS, *City Auditor.*

*Resolved*, That the foregoing first and final estimate allowed the Indianapolis Gas Light and Coke Company, for erecting lamp posts, lamps and fixtures on School street, between South and Huron streets, be, and the same is hereby adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution was adopted.

*Resolved*, That the foregoing first and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on Tennessee street, between Washington and Ohio streets, be, and the same is hereby adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution was adopted.

*Resolved*, That the foregoing first and final estimate allowed Joseph Schwartzer for grading and graveling the south sidewalk on New York street, between the Canal and West 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.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution was adopted.

The City Auditor introduced special appropriation ordinance No. 43—1867, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis,

Which was read the first time by its title.

The City Attorney made the following report:

INDIANAPOLIS, July 15, 1867.

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

GENTLEMEN:—I have the honor of reporting that I have examined the ordinance entitled “an ordinance to prohibit loitering on corners, sidewalks, vacant lots or mouths of alleys in the city of Indianapolis,” referred to me by your honorable body, and respectfully suggest as to the first section of said ordinance, that if the intention of said section be not already expressed and the offense therein sought to be described, be not already provided for by sections three, four and sixteen of the ordinance of November 38th, 1863, for the protection of “public morality, decency and order,” and section two of the ordinance of May 31st, 1866, defining certain offences and prescribing punishments therefor, then your honorable body should more clearly indicate your intention as to what particular manner of conduct is to be prohibited.

As to section second of said ordinance, I respectfully refer you to section fifty-seven of the revised Charter, providing for the publication of by-laws imposing a penalty or forfeiture.

Respectfully submitted,

JAMES B. BLACK, *Dep’y City Att’y*.

Which was concurred in.

The City Civil Engineer made the following report:

INDIANAPOLIS, July 15, 1867.

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

Permit me to report the following work furnished according to contract.

John Schier for paving sidewalk on north side of Louisiana street between Meridian and Illinois streets.

Total length	-	-	-	-	-	-	-	-	-	-	-	-	-	157½ feet.
At \$1.07 per lineal foot	-	-	-	-	-	-	-	-	-	-	-	-	-	1.07

Total amount	-	-	-	-	-	-	-	-	-	-	-	-	-	\$168 52
--------------	---	---	---	---	---	---	---	---	---	---	---	---	---	----------

Also, Samuel Lefever a partial estimate on culvert over Pogue’s Run on McNabb street, of three thousand dollars.

Respectfully,

R. M. PATTERSON, *Civil Engineer*.

Which was concurred in, and referred to the City Auditor, with instructions to embody it in an ordinance now pending.

On motion by Mr. Seidensticker, the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANSELL, *City Clerk*.