

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, NOVEMBER 11TH, 1867, 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 Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—17.

Absent—Councilman Schmidt—1.

The proceedings of the regular session held November 4, 1867,
were read and approved.

Mr. Brown offered the following motion :

That E. S. Alvord be allowed the privilege of paving with hard-burned brick the west sidewalk on Pennsylvania street, and the south sidewalk of Ohio street, in front of his property : *Provided* the same be done at his own expense, and that he be allowed on presentation of his account for the same, for all expenses incurred in paving in a similar manner, the city's portion of such sidewalks where the said two streets intersect: *Provided* such account be approved by the City Civil Engineer.

Which was adopted.

Mr. Cottrell offered the following resolution :

Resolved, That the Street Commissioner be instructed to give notice in writing, to the proper officers of each and every Steam Railroad Company entering this city, that they must properly plank each and every street crossing that is crossed by their respective Roads. Said planking to be the entire width of the street, including the side walks.

Resolved further, That after said notice shall have been served thirty days, and, on failure of any, or all, said Railroad Companies' to comply with the conditions of this order, the Street Commissioner shall proceed to plank the same and present the bill for payment to the delinquent Roads, and on their failure to pay the same, after ten days notice, the City Attorney is hereby directed to institute suit against said Railroad Companies for the City's claim against the respective Railroads, who may have failed to comply with the order as above.

In reference to which Mr. Seidensticker offered the following motion:

To refer to the City Attorney with instructions to report whether the former resolution and notice would throw the legal responsibility upon the delinquent Railroad Companies if the work is done by the city.

Which was adopted.

Mr. Davis presented the following affidavit:

INDIANAPOLIS, Nov. 11, 1867.

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

GENTLEMEN:—I have the honor to transmit to you the following affidavit:

STATE OF INDIANA, }
MARION COUNTY, } ss:

Personally appeared before me, John Smither, who upon his oath deposes and says that Henry C. Smither purchased on the 22d day of August, 1863, at the City Court Room, in the city of Indianapolis, at public auction, the following described Real Estate, to-wit: Part of lot 6, in square 70, in the city of Indianapolis, for the sum of \$43,90. Said property was sold for street improvement on precept, and that C. G. Werbe was the owner of said property, and that the Treasurer of said city delivered to said Henry C. Smither a certificate of sale for said property, and that afterwards on the same day, the 22d day of August, 1863, said Henry C. Smither made an assignment of said certificate of sale to the said John Smither, who became thereby the legal owner of such certificate, and that John Smither has either misplaced or lost the same, and that he has made diligent search, but is unable to find it.

And he now prays your honorable body that the City Treasurer be directed to make out a sufficient deed for the property above described, and deliver the same to him.

Said John Smither further swears that he has never assigned said certificate to any one, and that he is yet the legal owner of the same.

JOHN SMITHER.

Subscribed and sworn to before me, this 11th day of November, 1867.

JOHN W. COONS, *Notary Public*.

Which was referred to the City Auditor.

Mr. Davis introduced general ordinance No. 113, entitled:

AN ORDINANCE to prohibit the erection of wooden buildings in certain cases.

Which was read the first time by its title.

Mr. Davis offered the following motion :

That the Street Commissioner be directed to notify the Central Railroad Company to so raise their tracks now laid across Virginia Avenue, so as to conform to the tracks of the Union Railroad Company, and the grade of the street.

Which was referred to the City Civil Engineer, with instructions to report whether the track is on the proper grade or not.

Mr. Loomis presented the following petition :

INDIANAPOLIS, Nov. 11, 1867.

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

GENTLEMEN:—The undersigned respectfully asks that your honorable body grant him the privilege of erecting a sign post at the outer edge of the sidewalk in front of No. 75 West Washington street, and your petitioner will ever pray.

A. C. BRACKENBUSH.

Which was referred to the Committee on Revision of Ordinances.

Mr. Loomis offered the following motion :

WHEREAS, At a late meeting of the Council a motion was introduced, directing the City Attorney to bring suit against D. Root, & Co., for failing to comply with certain contracts for the erection of lamp posts and fixtures on several streets, was passed.

Therefore, be it moved that so much of the motion as referred to the Attorney instituting suit, be reconsidered and lie upon the table.

Which, on motion, was postponed indefinitely.

Mr. Seidensticker moved that the minutes of last meeting be amended so as to make Mr. Geisel's motion read as follows :

That the contract of D. Root for the erection of lamp-posts, lamps and fixtures on Massachusetts Avenue, between New Jersey and Noble streets, and also on East street, between Massachusetts Avenue and St. Clair street, be declared forfeited. Also, South street, between New Jersey and Virginia Avenue, and that the Auditor of the city be directed to advertise for new proposals.

Which was adopted.

Mr. Seidensticker presented the following remonstrance :

INDIANAPOLIS, Nov. 11, 1867.

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

We, the undersigned, property holders on Cherry and adjoining streets, against whom benefits have been assessed in the assessment made preparatory to the proposed opening of Cherry street from its terminus through outlet No. one hundred and eighty-three (183) to Massachusetts Avenue, would respectfully remonstrate against the proposed opening of said street as aforesaid. For we believe the proposed extension would not be of sufficient benefit to justify the payment of the assessments made by the Commissioners.

Temple C. Harrison,
Sarah R. Sample,
W. H. Antrim,

Ezekiel B. Dill,
Anna Pressel,
And 21 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Seidensticker offered the following motion :

That the Marshall be directed to notify the Agent of the Cleveland Powder Company, to remove their Powder House of said Company, immediately East of the East Corporation line of the City within the next 30 days, and, that said Marshall report whether this order is complied with or not.

Which was adopted.

Dr. Woodburn offered the following motion :

That Dr. Mears, be authorized to have the *Pest House* repaired at a cost of not more than *one hundred and twenty five dollars.*

Which was adopted.

Dr. Woodburn presented the following remonstrance :

INDIANAPOLIS, Nov. 11, 1867.

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

We, the undersigned, residing between the present northern limits of the city and south of Tinker street, respectfully remonstrate against being incorporated into the city of Indianapolis, according to the boundaries set forth in a petition now pending before your honorable body for that purpose.

We will readily consent to be included in the city when the boundaries shall be extended over all the suburbs, north, south, east, and west; but we see no justice in annexing the territory within the limited boundaries set forth in the petition for annexation, and excluding all other territory surrounding the city, equally populous and as well improved.

We believe, also, that as there is considerable contiguous territory, not laid off in lots and which is excluded in the boundaries of the petition now pending for annexation, which cannot be brought into the corporation if the owners thereof refuse, that the Common Council should take the necessary measures to require the Board of County Commissioners to have the same annexed as required in Section 85 of the late law for the incorporation of cities, if the extension of the city limits be determined upon.

We reasonably expect that the annexation of any or all territory, that the same be divided into separate wards, that police protection be extended, cisterns, and a fire-engine be granted to us before taxes be demanded of those annexed; all these are our rights if included in the corporate limits, and we think it will be well for the Council to consider if the revenue to be gained by the annexation of the partial limits now prayed for, will be equivalent to the expense necessary to be incurred to secure to us all our rights as incorporated citizens.

E. H. BARRY,
J. W. JONES,
M. L. JOHNSON.
And 85 others.

Which was laid over temporarily :

His Honor, the Mayor, presented the following petition :

INDIANAPOLIS, Nov. 11, 1867.

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

The undersigned respectfully represents to your honorable body that he has through inadvertance and mistake returned in his tax return for 1866, all means on hand or owing him without properly offsetting by the amounts owing by him, and prays that your Committee on Finance may investigate the matter giving such relief as they find proper and advisable.

Respectfully,
JOHN SMITHMEYER.

Which was referred to the Finance Committee.

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

REPORTS FROM BOARDS.

Mr. MacArthur, from the Board of Public Improvements, made the following report:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Nov. 11, 1867. }

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

The Board of Public Improvement, to whom was referred the remonstrance of J. B. McChesney and others in reference to the alley running through square No. 14, between Illinois and Tennessee streets, would respectfully report that in our opinion the improvement of said alley is necessary, because in its present condition it is a nuisance.

Also, that Richard Carr is the lowest bidder to grade and gravel the alley running through square 32, his bid being 17 cents per lineal foot on each side of the alley.

Also, that William Kown is the only bidder to grade and gravel the alley through square No. 14, his bid being 18 cents per lineal foot on each side.

Respectfully submitted,

JNO. B. MACARTHUR, }
 W. H. LOOMIS, } *Board.*
 SAMUEL GODDARD, }

Which was concurred in.

REPORTS FROM COMMITTEES.

Mr. Coburn, from the Committee on Accounts and Claims, reported back special appropriation ordinance No. 66—1867.

Which was read the second time, and ordered to be engrossed.

Mr. Brown, from the Committee on Printing and Stationery, introduced special appropriation ordinance No. 67—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.

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

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING NOVEMBER 9, 1867.

Number of patients in the Hospital at last report.....	23
Number of patients received in the Hospital since last report	4
Number of patients born in Hospital since last report	0
Number of patients discharged from Hospital since last report.....	3
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	24

Which was concurred in.

Mr. Colley, from the Select Committee, made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

GENTLEMEN:—Your committee to whom was referred the petition of Geo. Carter and others, asking that the city limits be extended, &c., would respectfully report that, if any annexation be made, we would recommend that the city limits be extended as follows: Commencing at the North-west corner of the Corporation line, along the east bank of Fall Creek to a point directly west of the North line of Tinker or Seventh streets; thence east on the North line of South street to a point on the east side of Peru Railroad Track; thence due south on the east side of Peru Railroad to the North-east corner of the Donation line; thence east on the north side of Pogue's Run Gravel Road, to a point where the road running in front and west of the Deaf and Dumb Assylum, if extended due north, would intersect the last mentioned line running east; thence due south two miles to a point; thence due west to the South-east corner of Donation line.

Respectfully,

S. A. COLLY,
J. H. KAPPES,
J. H. WOODBURN,
A. P. STANTON,
HENRY GEISEL.

Mr. Brown moved that any further consideration of the matter of annexation be postponed.

Mr. MacArthur called for the ayes and noes.

The question being on postponement, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker and Stanton—14.

Councilman Woodburn voting in the negative.

So the motion to postpone was adopted.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

GENTLEMEN:—Upon the petition of A. F. Noble I submit the following opinion:—

Property, real or personal, outside the city limits, is not subject to city taxes. Taxes assessed against such property should be stricken from the duplicate.

Respectfully,

B. K. ELLIOTT, *City Atty.*

Which was concurred in.

The City Attorney, also, made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

GENTLEMEN:—Upon the petition of W. A. Cuykendall and others, I submit the following:—

The Railroad Company can be compelled to specifically perform their contract. I transmit herewith a notice to be served on said Company. This notice should be served by the Marshal, returned to the Clerk, and by him preserved.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Also, the following :

INDIANAPOLIS, Nov. 11, 1867.

To the Indianapolis & Cincinnati Railroad Company :

You are hereby required to widen Louisiana street to the width of eighty feet, to grade and gravel the same as agreed by you in your contract with the city of Indianapolis, embodied in the resolutions of the Common Council of said city of June 5, 1852, and April 20, 1852, being the grant under which you obtained the right to lay your track on said street.

By order of the Common Council of the city of Indianapolis.

—————*Mayor.*

ATTEST:

—————*City Clerk.*

Which was concurred in, and the City Marshal directed to serve the notice.

The Street Commissioner made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

The undersigned respectfully represents that in accordance to an order passed at your last meeting, proposals have been invited for the construction of a foot bridge across Pogue's Run, on Mississippi street.

As I was previously instructed by you to build said foot bridge, I collected the necessary materials (stringers, etc.,) and have them now on the ground. I feel certain that I could construct said foot bridge not only at considerable saving to the city, but sooner than a contractor in fact, could furnish the same this week. I submit these facts, and await your orders in the matter.

AUGUST RICHTER, *Street Commissioner.*

Which was received.

On motion by Mr. Seidensticker, the Street Commissioner was ordered to build the bridge, and a former motion passed by Council ordering the Auditor to advertise for proposals was rescinded.

The City Civil Engineer made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

I hereby report the following work finished according to contract, Daniel Mahoney :

For grading and graveling Ray street and sidewalks between the Bluff Road and Central Canal.

Length on north side..... 864 feet
Length on south side..... 863 "

Total..... 1727 feet
At fifty-five cents per lineal foot..... 55

Total estimate..... \$949 85.

Also, Joseph Barnaner, for grading and graveling Muskiugum street and sidewalks, between Vermont and Michigan streets.

Length on east side..... 420 feet
Length on west side..... 420 "

Total length..... 840 feet
At nineteen and a half cents per lineal foot..... 19½

Total estimate..... \$163 80.

Also, Indianapolis Gas Light & Coke Company, for erecting lamp-posts, lamps and fixtures on Michigan street, between Meridian and Pennsylvania streets.

Two light posts at thirty-three dollars per post..... \$66 00.

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Auditor made the following report :

OFFICE OF CITY AUDITOR, }
Indianapolis, Nov. 11 1867. }

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

GENTLEMEN:—The City Auditor respectfully reports the following Contracts and Bonds:

Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on Massachusetts Avenue, between New Jersey and Noble streets.

Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on East street, between Massachusetts Avenue and St. Clair street.

Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on Illinois street, between South and Garden streets.

Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on Tennessee street, between Washington and Maryland streets.

Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on South street, between New Jersey street and Virginia Avenue.

All of which are respectfully submitted.

JOHN G. WATERS, *City Auditor.*

Which was concurred in, with the exception of the part referring to the bonds for the lighting of Massachusetts avenue, South street, and East street.

The contracts and bonds for the erection of lamp posts and fixtures on Illinois street, between South and Garden streets, and on Tennessee street, between Washington and Maryland streets, were read and approved.

The City Commissioners made the following report :

INDIANAPOLIS, Nov. 11, 1867.

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

The undersigned Commissioners do respectfully report that in pursuance of notice given by the City Clerk, they met at the City Council Chamber on Monday, Nov. 11, 1867, at 9 o'clock A. M., for the purpose of inquiring into the matter of the widening of Norwood street, between Illinois and Tennessee streets. That owing to the informality (to-wit:) That said petition calls for the vacation of twenty-five (25) feet on the north side of out-lot No. 124, which is not adjacent to the proposed line on which said street should run.

The Commissioners adjourned without action.

All of which is respectfully submitted,

JAMES N. RUSSELL,	} Com'rs.
SAMUEL SEIBERT,	
JAMES C. YOHN,	
WILLIAM BRADEN,	
THOMAS SCHOOLEY.	

Which was concurred in.

ORDINANCES ON SECOND READING.

Mr. Coburn called up special appropriation ordinance No. 66—1867, entitled :

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

Which was read the second time, and ordered to be engrossed.

Mr. Brown called up special appropriation ordinance No. 67—1867, entitled :

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

Which was read the second time, and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Coburn called up special appropriation ordinance No. 66—1867.

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, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

By common consent, Mr. Brown called up special appropriation ordinance No. 67—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, Foster, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Davis introduced special ordinance No. 98—1867, entitled :

AN ORDINANCE to provide for grading, and paving with brick the sidewalk from the first alley north of Circle street, to Market street.

Which was read the first time by its title.

Mr. Goddard offered the following motion :

That Samuel Lefever be granted permission to pave with brick and curb with stone the sidewalk in front of his property on South street, and that he Civil Engineer is hereby directed to set the stakes: *Provided* it be donet at his own expense.

Which was adopted.

On motion by Mr. Colley, the Council adjourned.

DANIEL MACAULEY, *Mayor*.

·ATTEST:

D. M. RANSELL, *City Clerk*.