

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, JANUARY 13TH, 1868, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—Hon. Sims A. Colley, President *pro tem.*, in the chair,
and the following members :

Councilmen Brown, Burgess, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

Absent—Councilmen Schmidt and Stanton—2.

The proceedings of the regular session held January 6, 1867, were read and approved.

Mr. Brown presented the following petition :

INDIANAPOLIS, Jan. 13, 1868.

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

GENTLEMEN:—The undersigned represents that, during the year 1866, he was in partnership with Mr. Williams, doing business under the firm name of Williams & Durbin, that the personal property of said firm was assessed, and afterwards a like assessment was made upon the same personal property of the undersigned. I therefore pray your honorable body to relieve me of such erroneous assessment.

DAVID G. DURBIN.

Which was referred to the Finance Committee.

Mr. Davis presented the following petition :

INDIANAPOLIS, JAN. 13, 1868.

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

GENTLEMEN:—The undersigned is the owner of lot 97, in Bright, Powell & Ellis' subdivision, in out-lot 155, of the donation lands of the City of Indianapolis, which lot was advertised and sold for a street improvement under the name of S. J. Custer, without any demand having been made on the undersigned, or any notification whatever given. Your petitioner, therefore, asks that the costs and damages of said sale, amounting to \$12.80, be refunded.

Very respectfully,

S. J. HAYNES.

Which was referred to the Committee on Accounts and Claims.

Mr. Goddard presented the following remonstrance :

INDIANAPOLIS, JAN. 13, 1868.

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

GENTLEMEN:—We, the undersigned, property holders on Kentucky Avenue, in the City of Indianapolis, would respectfully remonstrate against granting the right of way to the Rolling Mill Co. to construct a railroad on said Avenue to their Mill. We would represent that said street is already occupied by the Vincennes Railroad, and an additional track would greatly obstruct the travel on said street, and seriously damage all the property on it. We would suggest that there is no good reason why one track should not be sufficient for all the objects contemplated.

John Wiegand,

John Rupp,

Patrick Conlin,

Ben. Hainsworth,

Harvey Gipson,

And 5 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Goddard offered the following motion :

That the Street Commissioner be directed to repair the foot bridge on Maryland street over the Canal.

Which was referred to the Board of Public Improvements.

REPORTS FROM COMMITTEES.

Mr. Brown, from the Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, JAN. 13, 1867.

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

The Committee on Streets and Alleys, to whom was referred the petition of Erie Locke and others, beg leave to report the accompanying resolution, which they recommend be adopted.

AUSTIN H. BROWN, }

HENRY COBURN, }

J. W. DAVIS, }

Committee.

Resolved, That the City Clerk be required to give the notice required by section 62 of the City Charter, to the Commissioners to view and assess damages and benefits by the opening of streets and alleys, that they will be re-

quired to meet on the 10th day of February, 1868, at the City Council Chamber, in Glenns' Block, Indianapolis, for the purpose of hearing and determining the matters and things set forth in the petition of Erie Locke and others relative to the opening or extension of Blackford street, presented to the Common Council on the 30th of December, 1867; and that the City Clerk, also, give the requisite legal notice to the owners or agents of the property through which said street is proposed to be opened, of the meeting of such Commissioners.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Brown, from the Committee on Streets and Alleys, made the following report:

INDIANAPOLIS, JAN. 13, 1868.

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

The Committee on Streets and Alleys, to whom was referred the petition of the McGill heirs, beg leave to report that they have examined into the matter complained of, and have heard the parties, through their attorney. While recognizing the fact that the petitioners are seriously injured by the construction of railroad tracks on Louisiana street, bordering on which they have valuable property, the committee cannot find that the City Charter authorizes the Council to give them the relief prayed for. While the property owner is subjected to special assessments for improvements of streets fronting his lot, it does not give him any more right in the street than is possessed by any other tax payer or citizen. Hence, when the use of a street is given for the purpose of laying down railroad tracks therein the whole public are as much injured as individual property owners of the vicinity, for, inasmuch as all are entitled to the use of the street all are affected by its obstruction. If one citizen considers himself injured, he has the remedy, at law, of a suit of injunction until the question of damages can be determined, and the Council has never yet stepped in between parties to protect one or the other in such cases, and it ought not to set such a precedent now, in the absence of power to do so.

Your committee therefore recommend that the prayer of the petition be not granted.

AUSTIN H. BROWN, }
HENRY COBURN, } *Committee.*
J. W. DAVIS, }

Which was concurred in.

Mr. Kappes, from the Committee on Printing and Stationery, introduced special appropriation ordinance No. 4—1868, 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 :

INDIANAPOLIS, Jan. 13, 1868.

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

GENTLEMEN :—Your committee beg leave to introduce an ordinance appropriating moneys for the payment of sundry claims on account of City Hospital for the month of December, 1867, amounting to \$488.60.

Respectfully,

J. H. KAPPES,
W. H. LOOMIS,
HENRY GEISEL, } *Com. on Benevolence.*

Which was concurred in.

Also, the following :

INDIANAPOLIS, Jan. 13, 1867.

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

The following Annual Report of Receipts of the City Hospital for 1867, is respectfully submitted:

Feb. 28.	Ephraim Snowden.....	\$16 33
Jan. 30.	Josiah Small.....	10 72
Feb. 22.	Jens Larsen.....	8 00
Feb. 23.	Peter Hansen.....	13 00
Feb. 23.	John Peterson.....	13 00
April 28.	Kate Mayer.....	9 00
April 24.	Kate Major.....	8 60
April 29.	James Nelson.....	9 00
Oct. 26.	Jemima Griffin.....	35 00
July 28.	James Helbon.....	4 50
July 25.	Bernard Turner.....	2 10
Sept. 6.	George Johnson.....	5 00
Sept. 4.	Stren Doyle.....	5 00
N.v. 16.	Sarah McDowell.....	10 00
Dec. 30.	Anna T. Smith.....	22 00
	Total.....	\$171 25

The above was paid to the City Treasurer, and receipts taken therefor.

G. V. WOOLEN, Supt.

Which was concurred in.

Also, the following :

INDIANAPOLIS, Jan. 31, 1867.

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

The Annual Report of Expenditures for outfit, &c., of the City Hospital, ending December 31st, 1867, is respectfully submitted:

Vajen & Co. and Root & Co.—hardware, etc.	\$50 11
D. Benson and Furnas & Co.—Children's clothing, etc.	17 20
Woolen & Sloan—Furniture.....	21 65
Otto & Reynders—Instruments.....	21 65
Harris, Ferguson and others—Repairs to buildings.....	694 09
S. S. Wiseman—Removing old building.....	100 00

W. & J. Braden—Stationery	11 70
M. Cluue—Repairing mattresses	68 00
Total expenditures for outfit, etc.	\$894 40
Total expenditures current	5,574 06
Total Expenditures	\$6,488 46

G. V. WOOLEN, Supt.

Also, the following :

INDIANAPOLIS, Jan. 13, 1867.

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

GENTLEMEN:—I herewith submit the Annual Report of Expenditures of the City Hospital, ending December 31st, 1867:

J. F. Wingate, for groceries	\$1,491 68
Browning & Sloan, for medicines	323 53
Carl Kuhn, for meat	530 96
Rolling Mill Coal Co., for coal	231 75
Black & Daugherty, for wood	235 67
Conard & Wright, for milk	180 72
Geisendorff & Co., for flour	416 60
Wright, Lang and Butterfield, for ale and liquors	206 24
J. N. Foley, for ice	22 65
Joe Aftsentranser, for blacksmithing, etc.	42 95
Long & Birch, Undertakers	75 00
G. V. Woolen, for salary	1,000 00
W. Hickman and others, laborers	364 21
Jennette Lee, for nursing	157 69
Abbie Moran, washerwoman	153 32
Kate Russel and others, for cooking	144 75
Total Expenditures	\$5,574 06

RECAPITULATION.

Total expenditures for the year	\$5,574 06
Aggregate number of days for which Subsistence, etc., was furnished ..	8,409
Average expense per capita per diem	0.66
Amount received from patients	171 25

G. V. WOOLEN, Supt.

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JANUARY 11, 1868.

Number of patients in Hospital at last report	16
Number of patients received in 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 Hospital since last report	1
Number of patients remaining in Hospital at present report	17

Also, the following :

INDIANAPOLIS, Jan. 13, 1867.

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

GENTLEMEN:—The following Monthly Report of Expenditures of the City Hospital, ending December 31st, 1867. is respectfully submitted :

J. F. Wingate, groceries	\$123 58
Charles Kuhn, meats	52 91

Geisendorff & Co., flour.....	24 50
Jesse Wright, milk.....	21 35
Browning & Sloan, medicines.....	15 70
M. J. O'Connor, ale.....	13 00
Louis Lang, ale.....	7 50
J. T. Daugherty, wood.....	22 50
Rolling Mill Coal Company, coal.....	44 00
Long & Birch, Undertakers.....	15 00
G. V. Woolen, salary.....	83 33
George Fiel, labor.....	25 00
Jennette Lee, nursing.....	13 25
Abbie Moran, washing.....	13 25
Kate Russell, cooking.....	13 25
Total Expenditures.....	\$488 10

RECAPITULATION.

Total expenditures for the month.....	\$488 10
Aggregate number of days for which subsistence, etc., was furnished.....	704
Average expense per capita per diem.....	\$0 69

G. V. WOOLEN, Supt.

Which were concurred in.

Mr. Kappes, also, introduced special appropriation ordinance No. 5—1868, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims on account of City Hospital, for the month of December, 1867.

Which was read the first time by title.

REPORTS FROM CITY OFFICERS.

The City Auditor introduced special appropriation ordinance No. 6—1868, entitled:

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

Which was read the first time by title.

ORDINANCES ON SECOND READING.

On motion by Mr. Brown, special appropriation ordinance No. 4—1868, was taken up, read the second time, and ordered to be engrossed.

On motion by Mr. Brown, special appropriation ordinances Nos. 5 and 6—1868, were taken up, read the second time, and ordered to be engrossed.

On motion by Mr. Loomis, special appropriation ordinance No. 1—1868, appropriating money to the different Wards of the city for street repairs, was taken up and read the second time.

Mr. Coburn moved that the further consideration of the ordinance be deferred until the first meeting in May, 1868.

Mr. Loomis moved to lay Mr. Coburn's motion on the table.

Dr. Woodburn called for the ayes and noes.

The question being to lay the motion on the table, those who voted in the affirmative were Councilmen Brown, Cottrell, Foster, Goddard, Henschen, Loomis and Seidensticker—7.

Those who voted in the negative were Councilmen Coburn, Colley, Davis, Geisel, Jameson, Kappes, MacArthur and Woodburn—8.

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

The question then being on the adoption of the motion to postpone, Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Colley, Davis, Jameson, Kappes, MacArthur and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Foster, Geisel, Goddard, Henschen, Loomis and Seidensticker—8.

So the motion to postpone was not adopted.

Mr. Brown offered the following amendment :

Amend by inserting at the end of section 2 the following :

" *Provided*, That the amounts over and above the one thousand dollars heretofore appropriated for each Ward for repairs of streets, sidewalks, gutters, &c., which have been expended by the Street Commissioner, shall be charged to the appropriation herein made, and shall be deducted therefrom."

Which was adopted.

Mr. Brown offered the following amendment :

Amend by inserting \$2,250 in first section instead of \$4,500; and by inserting in second section \$250 instead of \$500.

Mr. Cottrell moved to amend by excluding the First, Second and Third Wards.

Mr. MacArthur moved to lay Mr. Cottrell's amendment on the table, and called for the ayes and noes.

The question being to lay the motion on the table, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Davis, Foster, Geisel, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—11.

Those who voted in the negative were Councilmen Cottrell, Goddard, Henschen and Loomis—4.

So Mr. Cottrell's amendment was laid upon the table.

Mr. Coburn moved to amend Mr. Brown's amendment, by inserting \$900 in lieu of \$2,250, and called for the ayes and noes.

The question being on Mr. Coburn's amendment, those who voted in the affirmative were Councilmen Coburn, Jameson, Kappes and MacArthur—4.

Those who voted in the negative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Loomis, Seidensticker and Woodburn—12.

So the amendment was not adopted.

Dr. Woodburn moved to amend Mr. Brown's amendment by inserting \$1,000 instead of \$2,250.

Mr. Davis moved to lay the amendment on the table, and called for the ayes and noes.

The question being to lay the amendment on the table, those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Loomis and Seidensticker—10.

Those who voted in the negative were Councilmen Coburn, Henschen, Jameson, Kappes, MacArthur and Woodburn—6.

So the motion to lay on the table was adopted.

The question then recurring on Mr. Brown's amendment, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—14.

Those who voted in the negative were Councilmen Colley and Cottrell—2.

So the amendment was adopted.

On motion by Mr. Geisel, the ordinance was ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Brown moved that the rules be suspended and that special appropriation ordinance No. 4—1868, be taken up and placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes moved that the rules be suspended and that special appropriation ordinance No. 5—1868, be taken up and placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown moved that the rules be suspended, and that special appropriation ordinance No. 6—1868, be taken up and placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the rules were suspended, and special appropriation ordinance No. 6—1868, was taken up and read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up general ordinance No. 120, entitled :

AN ORDINANCE providing for the issuing of ten per cent two years warrants and appropriating money for the payment of the interest thereon.

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

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Loomis called up special appropriation ordinance No. 75—1867, entitled :

AN ORDINANCE appropriating the sum of six hundred dollars for the purpose of boring an Artesian Well, and regulating the expenditure thereof.

Dr. Woodburn moved that the further consideration of the ordinance be deferred until next meeting.

Mr. Cottrell called for the ayes and noes on the postponement.

Those who voted in the affirmative were Councilmen Coburn, Foster, Geisel, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Goddard, Henschen and Loomis—8.

So the motion was not adopted.

Mr. Seidensticker moved to lay the ordinance on the table.

Mr. Cottrell called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Foster, Geisel, Kappes, MacArthur, Seidensticker and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Goddard, Henschen, Jameson and Loomis—9.

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

Dr. Jameson called for the previous question.

Which was sustained.

The question then being on the passage of the ordinance, those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Foster, Goddard and Loomis—8.

Those who voted in the negative were Councilmen Coburn, Geisel, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—8.

There being a tie vote the ordinance did not pass.

By consent Mr. Davis offered the following motion :

That the City Lamp-Lighter be, and is hereby, directed to discontinue the lighting of the lamps in the West Market House.

Which was adopted.

On motion by Mr. Loomis, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*