

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION!

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, MARCH 23D, 1868, 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

Absent—Councilmen Burgess, Colley and Schmidt—3.

The proceedings of the regular session held March 16th, 1868, were read and approved.

Mr. Brown moved that the vote by which the ordinance entitled “An ordinance protecting public morality, decency and order,” was passed, be re-considered.

Mr. Cottrell moved to lay Mr. Brown's motion 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 Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Loomis and MacArthur—8.

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

So the motion to lay on the table was adopted.

Business was then resumed in the order in which it was left off at last regular meeting, viz :

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 21, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the bids to build the fence around the Military Grounds were referred, respectfully report that we find that Thomas Naven is the lowest bidder, his bid being sixty-nine and one-half (69½) cents per lineal foot.

Also, that James Mahoney is the lowest bidder for planting trees in the above named grounds, his bid being one dollar per tree.

We respectfully recommend that the contracts be awarded to said parties.

Respectfully submitted,

JNO. B. MACARTHUR, }
SAM'L GODDARD, } *Board.*

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

That the matter of planting trees in the Military Park be referred to a special committee of three, consisting of George Merrit, B. K. Elliott, and O. B. Hord, who shall exercise their own judgment as to kind and size of trees to be planted, time of planting, and the laying out of the ground; they shall have a general supervision of the same and serve without pay, provided that not to exceed \$400 shall be expended for this purpose.

On motion by Dr. Jameson, that part of the report pertaining to the planting of trees, together with Mr. Loomis' motion, was referred back to the Board.

On motion, the first paragraph of the report was concurred in and the contract awarded.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 21, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom was referred the several matters, report that the petition of Wm. B. Bogardus et al., asking that Dillon street, between Harrison and Bates streets be opened, would

respectfully recommend that the same be referred to the City Commissioners as there is some private property in the proposed street, as is shown by the City Plat Book.

Respectfully submitted,

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

Which was concurred in.

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, March 23, 1868.

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

GENTLEMEN:—The committee on Finance beg leave to report that the petition of L. B. Wilson, asking the refunding of certain taxes assessed in the name of Emerine Mothershead, should not be granted, inasmuch as it does not appear in said petition that the party owning said property was not a resident on the first day of January, 1867.

In reference to the communication of the Gas Inspector, your committee would recommend the appropriation of \$800 for the purchase of instruments, the same to be purchased from the party who will furnish good instruments most cheaply.

Respectfully,

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

Which was concurred in.

Dr. Jameson, from same committee, introduced general ordinance No. 127, entitled:

AN ORDINANCE in relation to the payment of City Bonds issued by the City of Indianapolis on the 1st day of October, 1866, and payable on the 1st day of April, 1868.

Which was read the first time.

Mr. Seidensticker, from the Committee on Revision of Ordinances, made the following report:

INDIANAPOLIS, March 23, 1868.

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

GENTLEMEN:—According to instructions we herewith submit an ordinance requiring the stationing of a flagman at the intersection of Alabama and Louisiana streets.

Respectfully,

A. SEIDENSTICKER, }
 P. H. JAMESON, } *Committee.*
 THOS. COTTRELL, }

Which was received.

Also, general ordinance No. 128, entitled :

AN ORDINANCE requiring a flagman to be stationed at the intersection of Alabama and Louisiana streets.

Which was read the first time.

Mr. Seidensticker, from the same committee, made the following report :

INDIANAPOLIS, March 23, 1868.

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

Your committee, to whom was referred a motion granting Mr. Ebbert permission to erect a sign in front of his shop, over the sidewalk on Kentucky Avenue, respectfully report that such motion would be in violation of section 17 of an ordinance regulating streets and alleys, and therefore ought not to be passed.

A SEIDENSTICKER, }
P. H. JAMESON, } *Committee.*
THOS. COTTRELL, }

Which was concurred in.

Mr. Seidensticker, from the same committee, made the following report :

INDIANAPOLIS, March 23, 1868.

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

Your committee, to whom an ordinance creating the office of City Measurer was referred, herewith return a substitute, embracing the general principles of the ordinance, with some amendments.

Respectfully,

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

Which was received.

Also, introduced general ordinance No. 123, entitled :

AN ORDINANCE to establish the office of City Measurer and regulate the business thereof.

Which was read the first time by title.

Mr. Kappes, from the Committee on Benevolence and City Hospital, presented the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING MARCH 14, 1868.

Number of patients in Hospital at last report.....	16
Number of patients received in Hospital since last report.....	2
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	0
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	18

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING MARCH 21, 1868.

Number of patients in the Hospital at last report.....	18
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.....	0
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	22

Which were received.

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

INDIANAPOLIS, March 23, 1868.

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

GENTLEMEN:—Your committee, to whom was referred the petition of Frank H. Brinkman, Clemens Vonnegut and others, to have a bridge erected over Pogue's Run at Ohio street, have had the same under consideration, and beg leave to present the following report:

Your committee are of the opinion that inasmuch as there are but three houses east of Pogue's Run, and that the street is closed up at the line, and that said street has never been improved east of Railroad street, that it would be inexpedient, at this time, to incur such an expense, when so little benefits would be derived from it. Respectfully submitted,

J. W. DAVIS, *Chairman.*

The question being on concurring in the report, the ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Coburn, Davis, Goddard, Jameson, Kappes, Loomis, MacArthur and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Foster, Geisel, Henschen, Seidensticker and Stanton—7.

So the report was concurred in.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, March 23, 1868.

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

GENTLEMEN:—In respect to the resolution regarding Stevens street, I submit the following :

A case was recently tried in the Circuit Court in which the following facts concerning Stevens street were developed :

That Mrs. Gilmore bought the lot at the intersection of Stevens street and placed the fence on what the late James Wood considered the line of Stevens street. That O'Conner & Dorsey, in improving said street, treated this as the line of Stevens street; that Gilmore made no objection but gave at

least tacit consent. After the street had been graded and graveled, Mrs. Gilmore discovered that her lot was encroached upon five or six feet by Stevens street. The then Civil Engineer, Joshua R. Staples, Jr., so reported to your honorable body. Messrs. Hosbrook and Brown Civil Engineers concur.

After Mrs. Gilmore had run her fence upon the line of what was considered Stevens street, property owners, guided by that, built large brick buildings directly opposite and immediately on the line of the street.

Mrs. Gilmore obtained an injunction enjoining the contractors from collecting the assessment for the improvement and was successful in her suit.

There can be no doubt but that Mrs. Gilmore placed her fence too far north, but the question is, "Is she not estopped from fixing a different line, having once established it and suffered innocent persons to acquire rights, which, if the old line is removed, are destroyed." Judge Major (who represented O'Conner & Dorsey) is of the opinion that she is so estopped, and in that I concur.

The case will go to the Supreme Court and nothing can be done until a final decision is had.

The question is one of much importance, because Mr. Jasper and others have erected brick houses on what was shown to be the line of Stevens street by Mrs. Gilmore's fence, and either they or the City may become heavy sufferers.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

The City Clerk introduced special appropriation ordinance No. 18 1868, entitled:

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

Which was read the first time and referred to the Committee on Accounts and Claims.

The City Clerk, also, introduced special ordinance No. 9—1868, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures, complete to burn gas, except the service pipe, on South Meridian street or Bluff Road, between Ray and Morris streets.

Which was read the first time.

The City Civil Engineer made the following report:

INDIANAPOLIS, March 23, 1868.

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

I would recommend, as the best mode of disposing of the water at the crossing of West street and Kentucky Avenue, that it be taken across the Avenue on the west side of West street, and then down to the River on the south-east side of the Avenue.

And that the White River Rolling Mill Company be directed to build a drain under their track on the east side of West street; and that in conjunction with the Vincennes Company build a culvert across West street between the tracks, and, also, under the tracks on the west side of West street extending three feet south-east of the Vincennes track; and that the Street Commissioner be instructed to build a culvert the balance of the way across Kentucky Avenue.

Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Assessor made the following report :

INDIANAPOLIS, March 9, 1868.

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

GENTLEMEN:—I herewith submit the following report for the week ending February 17, 1868 :

Weekly Report.	This Week's Report.				Last Week's Report.				Total Amount.			
	Lists.	Polls.	Dolls.	Cts.	Lists.	Polls.	Dolls.	Cts.	Lists.	Polls.	Dolls.	Cts.
March 6th, 1868.												
Asa M. Strong.....	171	140	23,883	00	988	843	242,479	00	1159	983	266,362	00
Samuel Strong	148	124	35,937	00	706	603	191,771	00	854	727	227,708	00
William C. Phipps....	162	123	49,423	00	833	654	653,396	00	995	956	702,812	00
H. P. Randail	119	88	216,563	00	1347	1051	1,273,378	00	1466	1139	1,489,941	00
Nelson Hoss.....	66	48	69,987	00	715	498	292,948	00	781	546	362,935	00
William Hadley.....					777	637	1,558,805	00	777	637	4,558,805	00
							Totals.....		6026	4988	4,608,563	00

Respectfully submitted,

WM. HADLEY, *City Assessor.*

Which was concurred in.

ORDINANCES ON SECOND READING.

On motion by Mr. Geisel, special ordinance No. 5—1868, was read the second time and ordered to be engrossed.

On motion by Mr. Geisel, special ordinance No. 6—1868, was read the second time and ordered to be engrossed.

On motion by Mr. Seidensticker, general ordinance No. 128, was read the second time and ordered to be engrossed.

On motion by Mr. Foster, special ordinance No. 7—1868, was taken up, read the second time, and ordered to be engrossed.

On motion by Dr. Jameson, special ordinance No. 8—1868, was read the second time and ordered to be engrossed.

On motion by Mr. Coburn, special appropriation ordinance No. 15—1868, was read the second time and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Coburn called up special appropriation ordinance No. 15—1868, entitled :

AN ORDINANCE appropriating the sum of three hundred dollars for the purpose of sinking a pipe down through the strata of blue clay, and constructing a cistern.

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, Cottrell, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

Councilman Davis voting in the negative.

So the ordinance passed.

Mr. Davis called up special ordinance No. 2—1868, entitled :

AN ORDINANCE to provide for grading and paving the west sidewalk on Illinois street from North to First streets.

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, Cottrell, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up special ordinance No. 37—1867, entitled :

AN ORDINANCE to provide for leveling and graveling Massachusetts Avenue, between the east side of New Jersey street and the east side of Liberty street.

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, Cottrell, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motion :

That Frederick Klare be permitted to dig a well and place a pump therein in the sidewalk near the curb-line in front of his property on the corner of Meridian and Morris streets: *Provided*, That he construct a sink of such capacity as will be sufficient to carry off the water.

Which was referred to the Board of Public Improvements, with instructions to issue a permit for the same.

Mr. Brown introduced special appropriation ordinance No. 19—1868, entitled :

AN ORDINANCE appropriating money for the building and repairing of wooden culverts over gutters at crossings or intersections of streets and alleys.

Which was read the first time.

Mr. Brown introduced general ordinance No. 129, entitled :

AN ORDINANCE to amend section 4 of an ordinance entitled "An ordinance protecting public morality, decency and order," passed March 9, 1868.

Which was read the first time.

Mr. Brown moved that the rules be suspended and that the ordinance be read the second time.

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

Councilman Woodburn voting in the negative.

So the rules were suspended and the ordinance read the second time and considered engrossed.

Mr. Loomis moved a further suspension of the rules that the ordinance might be placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown offered the following motion :

That the Street Commissioner be directed to cause to be constructed a stone tumble and wooden apron at the point in Pogue's Run where the gutter enters the same on the south side of South street on the east side of Pogue's Run, according to a plan and specifications prepared by the Civil Engineer; and that when such work shall be completed the Street Commissioner be directed to fill up with earth said gutter to the level of its proper grade.

Which was referred to the Board of Public Improvements.

Mr. Coburn offered the following motion :

WHEREAS, This Council has reason to believe that the Indianapolis and Vincennes Railroad is about to be leased to parties who will control it adversely to the interests of the City of Indianapolis.

On the ——— day of ———, this Council by ordinance appropriated to said road the sum of \$60,000 to aid in the construction thereof, payable in bonds of this city, upon certain conditions specified in said ordinance, the consideration of, and special inducement for such appropriation being to secure to the city, as a right by contract, all the benefits and advantages reasonably resulting from the construction of said road: Therefore,

Resolved, That said road should be managed with express reference to the interests of this city this Council regards as the very essence of the contract and the express consideration for the appropriation, and that to transfer the management of said road to the control of parties who will conduct the same to the benefit of adverse interests at the expense of ours, and depriving this city of the trade, travel and benefits naturally and legitimately belonging to us, would be a breach of faith, and the City Attorney is hereby instructed to report to this Council whether such action would not be sufficient in law to justify this Council in refusing to issue and deliver said bonds to said Railroad Company.

Resolved, That this Council now reaffirm our readiness and desire to issue said bonds as agreed upon, provided no action is taken in the management of said road detrimental to this city or in violation of the spirit of such contract and the reasonable expectations of this Council in making such appropriation.

Which was referred to the City Attorney, with instructions to report at the next regular meeting of Council.

Mr. Coburn offered the following motion :

That D. Root & Co. be allowed to put down a wooden pavement on Washington street in front of their place of business, provided it be done under the direction of and to the entire satisfaction of the Civil Engineer.

Which was referred to the Board of Public Improvements.

Mr. Cottrell offered the following motion :

That the Street Commissioner be instructed to open the gutter on the east side of Delaware street, between South street and the south Corporation line.

Which was adopted.

Mr. Goddard offered the following motion :

That a cistern be put on the corner of West and Kingham streets in the Fifth Ward.

Which was referred to the Committee on Fire Department.

Mr. Goddard, also, offered the following motion :

That the Gas Inspector be authorized to put a lamp on the side of the wall on the Street Railway Stables, in place of a post on the sidewalk.

Which was referred to the Committee on Judiciary.

Mr. Goddard presented the following petition :

INDIANAPOLIS, March 23, 1868.

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

Your petitioners respectfully ask the passage of an ordinance for grading and graveling Grant street and sidewalks from West street, west, as far as said street runs due west, such improvement being a public necessity owing to a large pond formed at the east end of Grant street, making it almost impossible to pass with a team.

O. B. Gilkey,
John W. Slauter,
Julius Jones,
J. J. Rowe,

Adam Sherer,
Joseph Slicky,
P. Shanacy.

Which was received.

Also, special ordinance No. 10—1868, entitled :

AN ORDINANCE to provide for grading and graveling Grant street and sidewalks from West street to the terminus of Grant street.

Which was read the first time.

Mr. Henschen offered the following motion :

That John Schuh be granted permission to build a platform over the gutter in front of his store room on the corner of Virginia Avenue and Noble street.

Which was referred to the Board of Public Improvements.

Mr. Henschen, also, offered the following motion :

That the Street Commissioner be directed to bowlder the sidewalk at the end of the alley running north and south, between Greer and Water streets, where the water crosses said sidewalk on McCarty street, the same to be paid out of the General Fund; also, to remove the sidewalk crossing at said point.

Which was referred to the Board of Public Improvements.

Mr. Davis offered the following motion :

That the Gas Inspector be, and is hereby, directed to have the gas post on the south-east corner of Ohio and Illinois streets taken out of the gutter and placed on the sidewalk.

Which was adopted.

Dr. Jameson presented a bill in favor of J. B. MacArthur for services in copying tax statements, \$50.

Which was referred to the Committee on Accounts and Claims.

Dr. Jameson offered the following motion :

That the Engineer be directed to fix the boundary of the east side of New Jersey street, between St. Clair street and Fort Wayne Avenue.

Which was adopted.

Mr. MacArthur offered the following motion :

That the Street Commissioner be authorized to purchase and sow a sufficient quantity of blue grass seed on the Governor's Circle as early as possible this week.

Which was adopted.

Mr. MacArthur introduced special ordinance No. 11—1868, entitled :

AN ORDINANCE to provide for grading and graveling the east sidewalk of Ellen street, between North street and Indiana Avenue.

Which was read the first time by its title.

Mr. Geisel offered the following motion :

That the Civil Engineer be instructed to advertise for proposals to build a bridge on Ohio street across Pogue's Run with such specifications that the cost of said bridge will not exceed \$500.

Which was referred to the Committee on Streets and Alleys.

By unanimous consent, the rules were suspended and sealed proposals were opened and read by the City Clerk, and referred to the Board of Public Improvements,

On motion by Mr. Davis, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST :

D. M. RANDELL, *City Clerk.*