

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, APRIL 20TH, 1868, 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 Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

Absent—Councilmen Brown, Burgess, Colley and Schmidt—4.

The proceedings of the regular session held April 13th, 1868, were read and approved.

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

ORDINANCES ON SECOND READING.

Mr. Coburn called up general ordinance No. 130,

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

## ORDINANCES ON THIRD READING.

Mr. MacArthur called up 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 third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Loomis, MacArthur, Stanton and Woodburn—11.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Davis called up special ordinance No. 12—1868, entitled:

AN ORDINANCE to provide for grading and graveling Railroad Avenue from Chesapeake street south to the Union Railway Company's track, including the sidewalks.

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Coburn called up general ordinance No. 130, entitled:

AN ORDINANCE authorizing the contractor for the erection of Fire Alarm Telegraph to attach the lines to the tops of buildings instead of poles where the same is practicable.

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 Coburn, Cottrell, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Stanton—12.

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

So the ordinance passed.

## REGULAR ORDER OF BUSINESS.

Mr. Cottrell offered the following motion :

That the Street Commissioner be directed to have a bridge placed over the gutter on the south side of Wyoming street, at the intersection of the second alley east of Delaware street on the aforesaid street.

Which was adopted.

Mr. Cottrell presented the following :

STATE OF INDIANA, }  
MARION COUNTY, } ss:

*The State of Indiana to the Sheriff of Marion County, Greeting :*

Be it remembered, that heretofore, to-wit: at a term of the Court of Common Pleas of the County of Marion, in the State of Indiana, begun, holden and continued at the Court House in the City of Indianapolis, on the 20th day of April, 1868, the same being the 60th Judicial day of the February Term, A. D., 1868, of the said Court of Common Pleas, before the honorable Solomon Blair, sole Judge of the Twelfth Judicial District of the Court of Common Pleas, in which is the County of Marion, in the State of Indiana, the following proceedings were had in the cause of Samuel J. Patterson vs. The City of Indianapolis and the City Council thereof.

Come now the parties, and the Court being sufficiently advised in the premises, overrule the defendants' motion for a new trial, to which ruling of the Court the defendants at the time excepted; and, on motion, defendants have twenty days to file their bill of exceptions.

It is therefore considered by the Court that said plaintiffs are well entitled to have and receive from the property holders on the line of said improvement to the sum estimated and allowed to them by the Civil Engineer as of the date of Sept. 3, 1866, to-wit, thirty-five hundred and four dollars and forty-eight cents; and also that they are well entitled to have restored to them by the City Council the report of the City Auditor and the resolution as passed by the Council on the subject on the 13th September, 1866, page 354, of their printed minutes, and which is as follows:

INDIANAPOLIS, Sept. 13, 1866.

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

GENTLEMEN:—The City Auditor respectfully reports the following:

2d. First and final estimate allowed S. J. & R. H. Patterson for grading and graveling North street and sidewalks, between Blackford and Minerva streets.

JOHN G. WATERS, *City Auditor.*

*Resolved,* That the first and final estimate allowed S. J. & R. H. Patterson, for grading and graveling North street and sidewalks, between Blackford and Minerva streets be, and 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.

It is therefore ordered and adjudged that the said defendant, the Common Council of the City of Indianapolis, do, without delay, restore to the said plaintiffs their estimate made and allowed to them by the Civil Engineer as of the date of September 3, 1866, as the same appears on page 344 of the printed minutes, amounting to thirty-five hundred and four dollars and forty-eight cents; and that they also restore to said plaintiffs their rights in the premises by spreading upon their records the report of the City Auditor as found on page 354 of the printed proceedings of the Council, and by the adoption of the resolution of the Council on the same page, giving to said plaintiffs said estimate, and requiring the property owners to pay the sums

set opposite their names, as therein stated, so that said plaintiffs shall have all the rights now restored to them touching said estimate, and the power to collect the same, that were given to them by the action of the Council on and prior to the 13th September, 1866.

Ordered that a copy of the foregoing orders, duly certified by the Clerk under the seal of this Court, be delivered to the Common Council of the City of Indianapolis, while in session, by the Sheriff of said county, and that he make return thereof to the Court immediately thereafter.

STATE OF INDIANA, }  
MARION COUNTY, } ss:

COURT OF COMMON PLEAS.

I, William C. Smock, Clerk of the Court of Common Pleas of the County of Marion, in the State of Indiana, do hereby certify that the foregoing is a true and complete copy of the proceedings and judgment of said Court in the above entitled cause, on the day and year first aforesaid, as appears of record in my office.

In testimony whereof, I hereunto subscribe my name and the seal of the said Court of Common Pleas, at my office in the City of Indianapolis, this 20th day of April, A. D., 1868.

WM. C. SMOCK,  
Clerk C. C. P. Marion Co., Ind.

Which was referred to the City Attorney.

Mr. Davis offered the following motion :

That Mr. A. S. Mount be, and is hereby, permitted to grade and gravel Muskingum alley in the rear of his lot, being lot No. 36, in out-lot No. 170, and that the Civil Engineer be and is hereby directed to set the proper grade stakes in said alley.

Which was adopted.

Mr. Davis, also, offered the following motion :

That a committee of three be appointed to prepare a plan for a Station House, together with the estimated cost of building the same.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Davis, Foster and Coburn.

Mr. Geisel offered the following motion :

That James Stewart be allowed the privilege of filling up the south half of the alley running east and west between Spring, Railroad, Michigan and North streets, bordering on lot 85 in out-lot 50.

Which was adopted.

Mr. Geisel introduced special ordinance No. 20—1868, entitled :

AN ORDINANCE to provide for grading and graveling Ash street and sidewalks between Massachusetts Avenue and the Corporation line.

Which was read the first time.

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Mr. Goddard presented the following petition :

INDIANAPOLIS, April 20, 1868.

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

GENTLEMEN:—We, the undersigned, owners of property on Maryland street between West and Helen streets, petition your honorable body to pass an ordinance to grade and gravel said street and sidewalks between the points named, but we do not want the street cut down at the center more than 18 inches, as it would, to cut it down to the regular grade, leave some of the property on the line to be improved about six feet above the street. And as in duty bound your petitioners will ever pray, &c.

August Nagel,	Ephraim Wisby,
Conrad Monninger,	C. A. Sweet,
Kingan & Co.,	Peter Recker.

Which was referred to the Committee on Streets and Alleys.

Mr. Henschen offered the following motion :

That Peter Kaspberg be granted permission to gravel the sidewalk in front of his property on the corner of Hosbrook and Grove streets, and the same to be done under the direction of the Engineer.

Which was adopted.

Dr. Jameson introduced special ordinance No. 21—1868, entitled :

AN ORDINANCE to provide for grading and graveling Michigan street and sidewalks between East and Liberty streets.

Which was read the first time.

Mr. Kappes presented the following remonstrance :

INDIANAPOLIS, April 20, 1868.

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

The undersigned, Superintendents of the Columbus, Chicago and Indiana Central Railway Company and the Indianapolis, Peru and Chicago Railway Company, respectfully represent that the said Companies are the owners of the land on each side of Noble street, in said city, between Washington street and the crossing of said Noble street, by the said Columbus Chicago and Indiana Central Railway track, and said Companies do remonstrate against the passage of an ordinance, now pending before your honorable body, to grade and gravel that part of Noble street between Washington street and the crossing of said Railroad track, believing, as we do, that that portion of Noble street is in quite as good condition, if not in a better condition than the other portions of said street. While the said Railroad Companies are at all times willing to bear their just burthens in improving the streets of said city, we do not think it fair that property belonging to them should be singled out to be taxed for such property in exclusion of other property.

DAVID MACY,
Pres't and Sup't of I., P. and Ch. Railway Co.
JAMES M. LUNT,
Gen'l Sup't of Col., Chi. and Ind. Central R. W. Co.

Which was referred to the Board of Public Improvements.

Mr. Kappes presented the following petition :

INDIANAPOLIS, April 20, 1868.

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

GENTLEMEN:—We, the undersigned owners of property on the north side of Vermont street, between Pennsylvania and Meridian streets, petition your honorable body to pass an ordinance to pave with brick the sidewalk on the said north side between the points named to the width of nine feet, and also curb the outside edge of the said sidewalk, between the same points. And as in duty bound your petitioners will ever pray.

J. A. Bradshaw,  
I. Mansur,  
Jeremy Mansur.

Which was received.

Also, special ordinance No. 22—1868, entitled :

AN ORDINANCE to provide for paving with brick the sidewalk on the north side of Vermont street, and also curb the outside edge with white oak plank, between Meridian and Pennsylvania streets.

Which was read the first time, and,

On motion by Mr. Kappes, the petition and ordinance were referred to the Board of Public Improvements.

Mr. Kappes offered the following motion :

That the Fire Alarm Telegraph box located at the corner of Meridian and Michigan streets be removed to the residence of John F. Wallack, on Michigan street, between Illinois and Meridian streets.

Which was adopted,

Mr. Loomis presented the following communication :

PHILADELPHIA, April 2, 1868.

*To His Honor, the Mayor of Indianapolis, Indiana :*

DEAR SIR:—Allow me to respectfully call your attention to "Smith's Street Sweeping Machines."

The introduction of practical mechanical street cleaning is due to Mr. R. A. Smith, the inventor of the machines under notice. His experiments in New York and Philadelphia, prosecuted for a number of years in the teeth of violent hostility, and in direct opposition to strong political influence, have demonstrated, beyond a doubt, the feasibility of his plan; and the actual merit of his invention, brought to the test of practical use, is now fully acknowledged. So thorough are the machines in their work, that the various City Passenger Railway Companies of Philadelphia, and of several other cities, have adopted them for sweeping the snow, slush, ice, &c., from their roads, which *heavy* work they do in a most thorough and satisfactory manner. For a proof of this you are respectfully referred to the President of any Railway Company in this City.

The machines are of two kinds, one being a sweeper and loader combined, (see plate at head of letter) and the other for sweeping from the side of the street to the middle into a winrow. Both are neat and simple in construction, easily worked, not liable to get out of order, and are warranted to perform their work, sweeping thoroughly on any or all kinds of pavements, in

wet or dry weather. They can be built of various sizes, from that operated by two horses to a small size operated by hand, and designed for sweeping streets, Park roads, garden-walks, &c.

The right to construct and use these machines in your city is for sale, and will be sold on reasonable terms to responsible parties; or single machines in complete working order, warranted, will be furnished at a reasonable charge.

Any further information you may desire in regard to these machines, with a view to their introduction, shall be promptly furnished.

Hoping your Honor may consider the subject favorably, and to hear from you soon,

I remain,

Very respectfully yours,

ROBERT H. SMITH, Gen'l Agent.

Which was referred to the Committee on Streets and Alleys.

Mr. Loomis presented the following petition :

INDIANAPOLIS, April 3, 1868.

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

City of Indianapolis,

To Thomas Powers, Dr.

February 27, 1868. For damages sustained on the night of said day, without his fault, and while using due care, while passing over the South East street bridge, between East Georgia and East Maryland streets, in said city, caused by falling from the bridge on account of the bridge being out of repair for want of proper railing, \$300.00.

The undersigned hereby states that said claim is just and true, and that he was actually damaged as set forth therein.

He therefore respectfully asks that the City Council will appoint a committee to examine his claim and report thereon.

THOMAS POWERS.

Witness of the accident—GEORGE WALL.

Attending Physician—Dr. KENDRICK.

Which was referred to the Judiciary Committee.

Mr. MacArthur presented the following communication :

INDIANAPOLIS, April 20, 1868.

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

The Street Commissioner hereby recommends that a new bridge be built on South street across the Canal, as in his opinion it is unsafe for any Fire Engine or heavy team to cross said bridge in its present condition.

AUGUST RICHTER, *Street Commissioner.*

Which was referred to the Committee on Bridges.

Mr. MacArthur offered the following motion :

That the Street Commissioner be authorized to place a foot bridge at the crossing of Vermont street and Indiana Avenue.

Which was adopted.

Mr. Seidensticker offered the following motion :

That the Street Commissioner notify Mr. Samuel Lefever, contractor for the bowldering of McNabb street, to repair the bowldering on said street, where the same has sunk, and in case of failure of said contractor to repair said bowldering within 3 days after such notice, the Street Commissioner is directed to repair the same and report the cost to the Council.

Which was adopted.

Mr. Stanton presented the following petition :

INDIANAPOLIS, April 20, 1868.

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

GENTLEMEN:—The undersigned, citizens of Indianapolis, respectfully petition your honorable body to take such action as may by you be thought most proper, either by vesting the necessary power in a board of citizens, or otherwise, for the necessary grading of Military Park, in said city, to prepare the same for the planting of trees and grass.

And your petitioners respectfully ask that such action may be taken at such an early date that said grading may be done during the present spring.

Respectfully submitted,

Merritt & Coughlen,	Sohl, Gibson & Co.
C. E. Geisendorff & Co.,	James M. Ray,
Chandler & Taylor,	And 23 others.

Which was received.

Also, the following communication :

INDIANAPOLIS, April 20, 1868.

*To Thos. B. McCarty, Auditor, and Nathan Kimball, Treasurer State of Indiana :*

GENTLEMEN:—The Common Council of the City of Indianapolis propose to pass an ordinance for doing the necessary grading on the inside of Military Park to prepare the same for the planting of trees and grass for the purpose of ornamenting and beautifying the same, provided the Auditor and Treasurer of the State of Indiana consent to and approve of the proposed amendment.

DANIEL MACAULEY,  
Mayor of Indianapolis.

Approved—NATHAN KIMBALL, Treasurer of State.  
THOS. B. McCARTY, Auditor of State.

Which was received.

Also, the following resolution :

*Resolved,* That a sum of money equal to an amount to be raised by private subscription, not to exceed one thousand dollars, be appropriated for the purpose of properly grading the grounds known as the Military Park, and preparing the same for the planting of trees and grass—the work to be done by the Street Commissioner—and that George Merritt, Oscar B. Hord, and Byron K. Elliott be, and are hereby, constituted a Board to take charge of, plan, and superintend and direct the doing of said work; and the City Civil Engineer is hereby directed to set the necessary grade stakes and to lay out proper walks and drives—said Merritt, Hord, and Elliott are to receive no pay for their services above provided for; and that the City Clerk be directed to embrace the above amount in the next ordinance of appropriation.



The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Stanton and Woodburn—11.

Those who voted in the negative were Councilmen Davis, Geisel and Seidensticker—3.

So the resolution was adopted.

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, April 20, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom was referred the petition of Messrs. Long, Snyder & Co., to lay an underground tile drain from their place of business to Pogue's Run, respectfully report that as there will be nothing but pure water go through said drain the prayer of the petitioners be granted.

Respectfully submitted,

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

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The City Treasurer made the following report :

OFFICE OF CITY TREASURER, }  
Indianapolis, April 20, 1868. }

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

GENTLEMEN:—I have the honor to transmit herewith my report of money received and disbursements made since November 15, 1867.

RECEIPTS.

March 16, 1868.	To balance remaining in Treasury November 15, 1867, (last report),.....	\$29,000 16.
	To current taxes collected from November 15, 1867, to March 16, 1868, inclusive.....	202,336 04
	To delinquent taxes collected from November 15, 1867, to March 16, 1868, inclusive.....	27,641 67
	To costs collected for printing delinquent R. E.....	258 37
	To Express Licenses from November 15, 1867, to March 16, 1868.....	133 00

To Dog Licenses from Nov. 15, 1867, to March 16, 1868.....	\$35 75
To Dray Licenses from Nov. 15, 1867, to March 16, 1868.....	49 00
To Auction Licenses from Nov. 15, 1867, to March 16, 1868.....	10 00
To Peddler Licenses from Nov. 15, 1867, to March 16, 1868.....	203 00
To Hack Licenses from Nov. 15, 1868, to March 16, 1868.....	46 00
To Bonds (10 per cent. bearing).....	7,800 00
To printing on precepts.....	124 94
To fines received from Judge Scott since Nov. 15, 1867.....	979 13
To credit on \$30,000 note given by Indianapolis Gas Light and Coke Company, from Nov. 15, 1867, to March 16, 1868.....	11,048 47
To Licenses for Shows from November 15, 1867, to March 16, 1868.....	150 00
To Bell sold by Chief Fire Engineer.....	5 00
<b>Total Receipts.....</b>	<b>\$279,820 53</b>

## DISBURSEMENTS.

March 16, 1868. By City Orders redeemed and turned over to the City Auditor and City Clerk since last report, as per their receipts	\$42,788 47	
	26,374 31	
		69,162 78
Balance remaining in Treasury March 17, 1868.....	\$210.657 75	

Very respectfully,

Your obedient servant,

ROBT. S. FOSTER, *City Treasurer.*

Which was concurred in.

The City Clerk made the following report:

OFFICE OF CITY CLERK, }  
Indianapolis, April 20, 1868. }*To the Mayor and Common Council of the City of Indianapolis:*

GENTLEMEN:—I would respectfully report that there are on file in my office the following affidavit for the collection of street assessment by precept, as follows:

S. W. &amp; R. H. Patterson vs. W. R. Ellis, for \$28.50.

And would recommend that you order the precept to issue.

Respectfully,

D. M. RANSDELL, *City Clerk.*

Which was concurred in and the precept ordered.

The City Clerk, also, made the following report:

INDIANAPOLIS, April 20, 1868.

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

GENTLEMEN:—At the meeting of your honorable body March 16th, 1868, a petition from Wm. B. Bogardus et al. was presented, asking that Dillon st., between Harrison and Bates streets, be opened. Said petition was referred to the Board of Public Improvements; on the 23d of March, 1868, the Board reported to your honorable body recommending that said petition be refer-

red to the City Commissioners. In my opinion the petition is informal, no plat being filed, and being very indefinite, and a reference to the City Commissioners would simply involve the city in an expense without any benefit resulting, and I would recommend that the petition be referred to the Committee on Streets and Alleys to be put in proper shape before the City Commissioners are notified.

Respectfully, D. M. RANSDELL, *City Clerk*.

Which was concurred in.

The City Clerk, also, made the following report :

INDIANAPOLIS, April 20, 1868.

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

The City Clerk respectfully reports to the Council :

1st. The contract and bond of Samuel Hanway for grading and graveling Massachusetts Avenue from the east side of Liberty street to the east side of New Jersey street.

2d. The contract and bond of Feary & Dillon for paving the west sidewalk on Illinois street from North to First streets.

Respectfully submitted,

D. M. RANSDELL, *City Clerk*

Which was concurred in, and the contracts and bonds approved.

The City Attorney made the following report :

INDIANAPOLIS, April 20, 1868.

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

GENTLEMEN:—I have examined the communication of W. R. Nofsinger, and respectfully report that from the facts contained in Mr. Nofsinger's petition, it appears that he is erroneously taxed. It is decided by our Supreme Court (3 Ind. Reports, 481,) that it is only visible, tangible property of the non-resident that is subject to taxation. Evidences of indebtedness held by non-residents of the city, although within the city, cannot be taxed.

Respectfully, B. K. ELLIOTT, *City Attorney*.

Which was concurred in.

By unanimous consent Dr. Jameson offered the following motion :

That the Attorney and Clerk be directed to take such steps as shall secure any balance due the city from Cyrus S. Butterfield, late City Clerk.

Which was adopted.

On motion by Mr. Loomis, the Council adjourned.

DANIEL MACAULEY, *Mayor*

ATTEST :

D. M. RANSDELL, *City Clerk*.