

PROCEEDINGS

OF THE

COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JUNE 28TH, 1869, 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 Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,  
Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman,  
Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

The proceedings of the regular session, held June 21st, 1869,  
and the adjourned session, held June 23d, 1869, were read and ap-  
proved.

The special order for the meeting being the report of the Commit-  
tee on Sewerage and Water Works, made to the Council June 23d,  
1869, the subject mater of which was the following resolutions :

*Resolved*, That the City Engineer be instructed to make the necessary sur-  
veys, plans and specifications, and advertise for proposals for building a brick  
sewer of sufficient size and capacity to effectually drain all the water of Vir-  
ginia river, said sewer to run from the corner of Pine and Elm sts, through  
Virginia Avenue to Pogue's Run, and that he submit said plans, specifica-  
tions and proposals for the approval of the Council.

*Resolved*, That the Committee on Sewerage and Water Works be authorized to employ a competent engineer in the matter of sewerage, to make a survey and establish a general system of sewerage for the City of Indianapolis, said appointment to be reported, and said plan or system, when complete, to be submitted for the approval of the Council.

After a lengthy discussion,

Mr. Wiles offered the following amendment to the first resolution :

The same to be done at the expense of the property holders along the line of said sewer.

Mr. Whitsit moved to lay the amendment on the table.

Dr. Woodburn 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, Cottrell, Gimber, Heckman, Kennington, Kahn, Locke, Marsee, Shepherd, Pyle, Thalman, Thoms, Weaver and Whitsit—14.

Those who voted in the negative were Councilmen Harrison, Newman, Wiles and Woodburn—4.

So the amendment was laid on the table.

Mr. Newman moved to strike out the words "Virginia River," in the resolution, and insert in lieu thereof "Illinois street."

Which motion was laid on the table.

His Honor, the Mayor, offered the following proviso to be added to the first resolution :

*Provided*, If said sewer shall be built, that it shall conform to a general plan of sewerage to be hereafter approved and adopted by the City Council : *And provided further*, That the plan referred to shall be submitted to the Council within 45 days from the first day of July next.

Which was adopted.

The question then being on the adoption of the first resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Thoms, Weaver and Whitsit—12.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman, Pyle, Wiles and Woodburn—6.

So the resolution was adopted.

The question being on the adoption of the second resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

Councilman Newman voting in the negative—1.

So the resolution was adopted.

By unanimous consent, Mr. Thalman, from Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—The Committee on Streets and Alleys respectfully report :

1st. That we examined sundry proposals for various street improvements, and would recommend that contracts be awarded as follows, to-wit :

For grading and graveling Sinker street and sidewalk, between New Jersey and Alabama streets, at 60 cents per lineal foot on each side of the line improved, to Hiram Seibert.

2d. For the erection of lamp posts, lamps and fixtures, complete, to burn gas, on St. Mary's street, between Delaware and Alabama streets; also, on Fort Wayne Avenue from Delaware street to the corporation line, to Deloss Root & Co., at \$39 for the corner and \$37 for the intermediate posts.

3d. For grading the alley running east and west from Alabama street to the first alley running north and south through out-lot No. 104, to Michael Foust at 15 cents per lineal foot on each side of the line improved.

4th. For grading and graveling the extension of Alabama street, between McCarty and Wyoming streets, including the sidewalks, to John Scheier at 96 cents per lineal foot front, on each side of the line improved.

5th. For bowldering the gutters and curbing the outside edges of the sidewalks with flat rock or Putnamville stone, where not already done, on Alabama street from Washington street to Virginia Avenue, to S. W. Patterson and R. P. Dunning, at 61 cents for bowldering, and 73 cents per lineal foot for curbing.

6th. A remonstrance was referred to your committee from M. S. McLure, Sebastian Grushaber, J. W. Robinson, and others, remonstrating against the grading of the alley running north and south through out-lot No. 104. We would recommend that the prayer of the remonstrants be granted, and that the ordinance for the improvement of the same be repealed.

Respectfully submitted,

ISAAC THALMAN, }  
JOHN MARSEE, } Committee.  
C. HECKMAN, }

On motion, the 1st, 4th, 5th and 6th paragraphs of the report were concurred in.

On motion, the 2d paragraph was stricken out, and all matters pertaining to the erection of lamps were referred to the Committee on Gas light, and the City Clerk directed to hereafter advertise for bids

to remove the old lamps, re-fit the same, and erect them in districts to be lighted.

The third paragraph was stricken out.

By consent, Mr. Thoms, from the Committee on Printing, introduced special appropriation ordinance No. 24—1869, entitled:

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

Which was read the first time.

Mr. Wiles, from the Committee on Gas Light, made the following report:

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—The Committee on Gas Light, to whom was referred the petition of Mr. Joseph Marsee for correction of assessment for the erection of gas posts on South street, between New Jersey and East streets, report:

That we find that Mr. Marsee, some time prior to the passage of the ordinance for erecting lamps upon the square referred to, did, at a personal outlay of \$45, erect the lamp at the south-east corner of south and New Jersey streets; that Special Ordinance No. 3—1864, "to provide for the erection of lamp-posts and fixtures on South street, between New Jersey street and Virginia Avenue," was introduced May 20, 1867, and passed July 10, 1867; that on the 2d of December, 1867, the City Civil Engineer reported an estimate in favor of the Indianapolis Gas Light and Coke Company, for erecting three lamp-posts. &c., in accordance with the ordinance, at a cost of \$101; that on the 13th of April, 1868, Mr. Marsee petitioned the Council to investigate the extraordinary cost to him for lighting said square, he being called upon to pay, as his share of the improvement on the south side of the street, the sum of \$99.65, while the property owners on the north only are asked to pay \$46.35 for the same number of posts (two); that Mr. Marsee's communication was referred to the Finance Committee and City Clerk, who, on the 27th of April, report the same facts as contained in Mr. Marsee's petition, and explain the increased assessment by stating that one of the lamps was erected several years previously, at Mr. Marsee's personal cost, that in making the estimate this was not taken into the account, and that the question as to whether he could claim exemption from a part of his assessment on that account was a question of law, and upon their recommendation the petition was referred to the City Attorney and City Clerk. May 25, the City Attorney gave it as his opinion, citing the 69th section of the City Charter, "that the Engineer alone can legally act in the matter, and that no other officer of the city can act in the matter." June 22d, the City Civil Engineer reports that he finds that Mr. Marsee "has paid sixteen dollars more than his proportionate amount;" and that "the error can be corrected when the posts are extended south on New Jersey street."

Possessing ourselves of this history, we consulted with the City Attorney, and he gave it as his opinion that the judgment of the City Civil Engineer was probably correct; that if said corner post had not been assessed against any property frontage, in which case it possibly could so be when New Jersey street, south of South street, was ordered to be lighted; failing in which,

we think, the Engineer is personally responsible to Mr. Marsee for the excess of his share of of said expenses.

Respectfully submitted,

W. D. WILES,  
ROBT. KENNINGTON, } Committee.  
LEON KAHN,

Which was received and laid on the table for the present.

Mr. Weaver, from the Committee on Public Buildings, made the following report :

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—A motion was referred to your committee in regard to the re-arrangement of the of the city offices so that the Council Chamber might be used as a city court room, your committee think it would be inexpedient to use the Council Chamber for such purpose now, when the one now occupied for the Mayor's office has very lately been newly carpeted for that purpose, and other improvements made therein. During the war said room was used when there was more business than now to be done by the Mayor. We therefore report against making any change in said office.

A resolution was also referred to your committee directing the City Civil Engineer to invoice the material belonging to the city, now upon the property known as the "Home for the Friendless." We called upon his Excellency, Gov. Baker, to-day, and he informed us that the State would not accept the gift of said ground and material thereon, and in view of said fact we would recommend that the material placed on that ground be used by the city in part for the purpose of erecting a station house on ground purchased nearly three years ago, from John C. Herith, for that purpose, and that some suitable person be employed to mature plans for the erection of said building, and that the material in said building be used, as far as the same can be, in the said station House.

Respectfully submitted,

WM. W. WEAVER, }  
HENRY GIMBER, } Committee.  
JOHN PYLE,

On motion, the first paragraph of the report was concurred in, the second paragraph was referred back to the Committee along with the following :

INDIANAPOLIS, June 28, 1869.

*To the Members of the Common Council of the City of Indianapolis:*

GENTLEMEN:—I have the honor to submit to your honorable body some statements and recommendations regardin the jail system now existing in our city.

In so doing I have made free use of the very able report just presented by the Grand Jury to the Hon. George H. Chapman, Judge of the Marion Criminal Court.

The following extracts are made from it:

"The jail, during most of the year, is greatly overcrowded, and is much too small to comfortably accommodate the number of United States, State and City prisoners usually incarcerated there. The cells were originally designed to accommodate two prisoners each, having sufficient space for two small iron cots, but the usual crowded condition will not admit of their use, as the cells have to be bedded with mattresses for the accommodation of from five to seven persons in each. The number incarcerated at the time of our visit would make an average of three occupants to each cell, but as one or

more cells have to be kept free in case they should be needed for the locking up of mutinous characters, or of criminals brought in during the night, the cells then in use contained from four to five inmates each. We were informed that on many occasions the jail becomes so crowded by the incarceration of persons arrested by the city authorities, that from ten to twenty are compelled to take up their quarters in the corridor, which is void of all furniture there being neither bedding, stools or benches for them to rest upon.

"The evils attendant upon associating together the city prisoners, who are generally incarcerated for their want of means to defray pecuniary penalties for violations of city ordinances, with persons charged with more serious crimes, cannot be too severely censured. Their mingling together without the intervention of any strict rules of restraint in their common intercourse, demoralizes those who have committed their first offense, destroys self-respect, regard for the law, and educates them for a course of crime.

"The female department, with the exception of being less crowded, is similar in all respects to that of the male, as regards the number of cells, ventilation, etc. At the date of our inspection there were one State and five city prisoners confined in this part of the jail, the only entrance to which is through the male department.

"The jail is full of vermin, which find refuge and breeding places in the walls in the various cells, and all efforts to exterminate them have, so far, proved unsuccessful, and it is equally impossible for the prisoners to keep bedding, clothes, or persons free from this nuisance.

"The construction of the jail building is illy adapted to a proper and necessary ventilation, the lack of which is plainly apparent in the stench which prevails and the noisome damp which exudes from the walls. This imperfection requires the constant use of disinfectants to render the jail even tolerable for occupancy, and the foul atmosphere is liable to breed contagious and epidemical diseases among the prisoners, that might spread throughout the city.

"The Common Council claim that it is a matter of economy for the city to make use of the jail, and that the building of a station house at the present time would greatly add to the already burdensome per cent. of taxation assessed against its citizens. It must be expected that crimes and the number of criminals will keep proportionate pace with the increasing population, and in a few short years the present jail will not be adequate to the needs of the county."

The above shows truthfully and without exaggeration the vile condition of the only place of confinement at the disposal of the city.

The Council is asked to consider the fact that almost daily the Mayor, in his capacity as City Judge, is called upon to decide between committing offenders who deserve punishment to this cruel and inhuman confinement, or release them for further depredations, probably, upon our peaceable citizens.

To remedy this important evil, and which our city cannot longer sustain without discredit to its humanity and public spirit, I recommend, most respectfully, that the Committee on Public Buildings take into earnest and immediate consideration the proposition to erect, at a reasonable cost, a Station House, or City Jail, thoroughly examining the matter and reporting to the City Council for action.

During the past five years, ending May, 1869, the city has paid \$37,149.00 jail expenses, and three years ago paid some \$3,000 more for a building lot upon which to place a suitable building for the purpose. The lot fronting on Maryland street, south of the present City Offices, is now the property of the city. The great necessity for a more humane and sensible treatment of city prisoners continues and increases day by day with the city's growth, and yet the jail expenses, paid by our heavily taxed people are accumulating against us in the manner indicated in the above figures. The remedy should be applied by the present Council, and without delay.

Very respectfully,

Your obedient servant,

DANIEL MACAULEY, Mayor.

Dr. Woodburn presented the following:

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 26, 1869.

Number of patients in Hospital at last report.....	18
Number of patients received in Hospital since last report.....	2
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report.....	4
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	17

Which was received.

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

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—The Committee on Revision of Ordinances, to whom, with the City Attorney, was referred, with instructions to report an ordinance, the communication of John L. Hanna, Capt. Co. A, 2d Ind'polis Nat. Guards, in relation to the securing of arms from the State sufficient for a City Battalion, do herewith report an ordinance on said subject.

T. C. HARRISON, }  
 ERIE LOCK, } Committee.  
 T. COTTRELL, }  
 B. K. ELLIOTT, *City Attorney.*

Which was received.

Also, general ordinance No. 28—1869:

AN ORDINANCE concerning the distribution of arms.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That whenever any persons shall associate themselves together in accordance with the act of the Special Session of the General Assembly of the State of Indiana, approved March 9, 1861, for the purpose of organizing, uniforming, and maintaining a military company, and shall file with the City Clerk the certificate of the Recorder of Marion county that they have filed for record in his office Articles of Association as provided by law, that the Mayor and Clerk may execute a bond to the State of Indiana in the name of the City of Indianapolis, for a sufficient amount of arms and accoutrements to arm and equip any such company or companies.

SEC. 2. That before any such company shall receive any such arms and accoutrements, that the officers of such company shall execute a bond to the City of Indianapolis, with good freehold security, to the satisfaction of the Mayor and Common Council, for the safe keeping and prompt return of the same after having ten days' notice so to do.

SEC. 3. That such company or companies shall respond to the call of the Mayor to suppress riots and preserve the public peace, and on failure to do so the Mayor may order such company or companies to disband and turn over their arms to the City of Indianapolis, and one of the conditions of the bond shall be to that effect.

SEC. 4. This ordinance shall take effect and be in force from and after its passage.

I think the within ordinance such a one as the Common Council can lawfully enact.

B. K. ELLIOTT, *City Attorney.*

Which was read the first time.

## REPORTS FROM CITY OFFICERS.

The City Attorney made the following report:

INDIANAPOLIS, June 28, 1869.

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

GENTLEMEN:—I transmit herewith the form of an ordinance concerning public morality and order. It is the same as that passed and amended by the former Council, except that I have made some verbal corrections, which were necessary to make some of the provisions effective. I should be glad to have it receive as early attention as can be given to it, in order to prepare it for the printer.

I respectfully suggest that the Clerk be authorized to publish, according to law, the following ordinances, to-wit:

"An ordinance to provide for the management and protection of the Fire Alarm Telegraph."

"An ordinance relating to hogs or swine running at large in the City of Indianapolis," passed June 7, 1869.

It is proper to say that there is no clause requiring their publication, and the Clerk did right in not publishing them; but as no penal ordinance is of any effect until after due publication, these should be published.

The ordinance concerning markets, passed June 11, 1869, is defective, as no penalty is provided for its violation. I suggest the passage of the accompanying ordinance as it will be more economical than to revise and republish in the daily papers the entire market ordinance, which is a very lengthy one.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Also, general ordinance No. 29—1869, entitled:

AN ORDINANCE prescribing penalties for the violation of the Market ordinance.

Which was read the first time.

Also, general ordinance No. 30—1869, entitled:

AN ORDINANCE protecting public morality, decency and order.

Which was read the first time.

By unanimous consent, the rules were suspended, and sealed proposals for public work were referred to the Committee on Streets and Alleys, and for the erection of lamp-posts to the Committee on Light.

Mr. Locke offered the following motion:

That when this Council adjourn it adjourn to meet next Wednesday evening June 30th.

Which was adopted.



The City Clerk made the following report :

OFFICE OF CITY CLERK,  
Indianapolis, June 28, 1869. }

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

The City Clerk respectfully reports to the Common Council the following Contracts :

1st. Contract and bond of Hiram Seibert for grading and graveling Sinker street and sidewalks, between New Jersey and Alabama street, is presented for your approval.

2d. Contract and bond of Andrew Douglass for grading, bowldering and curbing the outside edge of the sidewalk with stone, the alley running from Massachusetts Avenue to New York street, is also presented for your approval.

Respectfully submitted,

D. M. RANSELL, *City Clerk.*

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

Dr. Woodburn moved to suspend the rules, and that ordinances on second and third reading be taken up.

The question being on a suspension of the rules,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit Wiles and Woodburn—16.

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

So the rules were suspended, and special appropriation ordinance No. 3—1869, appropriating money for the use of the Street Commissioner, was taken up, read the second time, and after being amended, was ordered to be engrossed, then 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, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

One Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn introduced general ordinance No. 31—1869, entitled :

**AN ORDINANCE** to prohibit the improvement of any street or sidewalk in the City of Indianapolis, the cost of which shall exceed twenty-five dollars, except by ordinance or resolution.

Which was read the first time.

Mr. Kahn offered the following motion :

That a Committee be appointed to bring in a plan for the proper distribution of money that may be appropriated for street improvement.

Which was adopted.

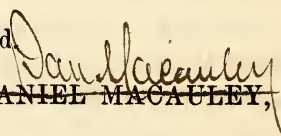
His Honor, the Mayor, appointed as such Committee Councilmen Kahn, Heckman and Whitsit.

Mr. Thoms offered the following motion :


That the City Marshal be directed to procure five carriages for the purpose of hauling the members of this Council to the German Pic-Nic, to be held on Sunday, the 4th of July, 1869.

Which was laid on the table.

On motion the Council adjourned.

  
~~DANIEL MACAULEY~~, Mayor.

ATTEST:

  
~~D. M. BAUSDELL~~, City Clerk.