

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, MAY 18TH, 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 Brown, Coburn, Cottrell, Davis, Foster, Geisel, God-
dard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt,
Seidensticker, Stanton and Woodburn—16.

Absent—Councilmen Burgess and Colley—2.

The proceedings of the regular session held May 11th, 1868, were
read and approved.

Mr. MacArthur moved that the Council adjourn at half past eight
o'clock, in consideration of several of the members wishing to leave
on the early train for Chicago.

Which was adopted.

On motion by Mr. Seidensticker, the City Clerk reported the fol-
lowing official bonds of City Officers elect, to-wit :

Charles Richmann, Chief Fire Engineer, in the sum of one thousand five hundred dollars (\$1,500), giving as security Alex. Metzger and Fr. Ritzinger.

Gideon B. Thompson, Market Master, in the sum of fifteen hundred dollars, (\$1,500): giving as security William R. Holloway and Horatio C. Newcomb.

Samuel B. Morris, Sealer of Weights and Measures, in the sum of fifteen hundred dollars (\$1,500); giving as security S. Binkley.

Which were accepted and approved.

The City Clerk made the following report:

INDIANAPOLIS, May 18, 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 James Stewart for grading and graveling Plum street and sidewalks, between Massachusetts Avenue and Cherry st.

2d. The contract and bond of John Scheier for grading and graveling Jackson street and sidewalks, between St. Clair street and the Corporation line north.

3d. The contract and bond of Richard Carr for grading and graveling Railroad Avenue and sidewalks, between the Union Railway Company's track and Chesapeake street.

4th. The contract and bond of Hiram Seibert for grading and graveling Harrison street and sidewalks, between the west line of Coe's subdivision and Dillon street.

5th. The contract and bond of Michael Shea and John Welsh for grading and graveling Harrison street and sidewalks, between Noble street and Coe's subdivision.

Respectfully submitted,

D. M. RANSELL, *City Clerk.*

Which was concurred in and approved, and contracts awarded.

Mr. MacArthur offered the following resolution:

Resolved, That the office heretofore known as Clock Winder be, and is hereby, abolished.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker and Woodburn—14.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Davis presented the following petition :

INDIANAPOLIS, May 18, 1868.

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

We the undersigned, citizens of Indianapolis, being property holders and tax payers on Illinois street, in said city, most earnestly and respectfully request and beg that you shall use such means, or so instruct your Engineer, so as to reduce the quantity of water now made to flow into Illinois street, from which, at present, there is no proper drainage. And for which your petitioners will continue to pray.

Isaiah Mansur,	Philip Haynes,
Wm. P. Watson,	Wm. W. Weaver,
Fred. Gæpper,	And 32 others.

Which was referred to the Board of Public Improvements.

Mr. Davis, also, presented the following petition :

INDIANAPOLIS, May 18, 1868.

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

We, the undersigned property holders on North Illinois street, pray your honorable body to have the east sidewalk of said street paved from North to first street with a brick pavement 9 feet wide, under the directions of the City Engineer.

William Braden,	Mary A. Walker,
James Braden,	J. B. Root,
Deloss Root,	Rout & Bates,
Thomas Schooley,	Nathan Kimball.

George Tousey, provided he is allowed to pave in front of his property, at his own cost, to be done under the direction of the City Engineer, sixty-five feet front.

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell presented the following remonstrance :

INDIANAPOLIS, May 18, 1867.

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

GENTLEMEN:—The undersigned respectfully represents that he is the owner of lot 38, in out-lot 107 in the City of Indianapolis, and respectfully but earnestly protests against the Common Council vacating the alley running north and south, between Wyoming and McCarty streets, between lots 37 and 38, and lots 53 and 54, as being greatly prejudicial to my interests as owner of the aforesaid lot 38.

TIMOTHY LYONS.

Which was referred to the Committee on Streets and Alleys.

Mr. Geisel offered the followed motion :

That Mrs. Bertselman be permitted to pave the sidewalk in front of her property on Massachusetts Avenue, the same to be made to the width of 9 feet, and the Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, May 11, 1868.

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

GENTLEMEN:—We have the honor to request that we be allowed to grade and gravel the sidewalk immediately in front of the property owned by us, situated on South Alabama street, between Maryland street and Virginia Avenue. And thus we will ever pray, &c., &c.

WILLIAM DELL.
JAMES MAHONEY.

Which was referred to the Board of Public Improvements.

Mr. Cottrell presented the following remonstrance :

INDIANAPOLIS, May 18, 1868.

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

The undersigned, owners of the real estate fronting on Virginia Avenue, between south side of Pogue Run and south side of Louisiana street, would respectfully remonstrate against the passage of the ordinance now pending before your body, setting forth, as the reason, the general scarcity of money and the already high taxes which they have to sustain. And, furthermore, they have never petitioned or even been called upon to petition for the proposed improvement, and believe that their interest and right calls for the withdrawal of the ordinance.

George B. Yandes, Charles Glazier,
E. Browning, Agent for Hays & Rosenthal,
Mrs. Harriet B. Stewart, And 7 others.

Which was referred to the Board of Public Improvements.

Dr. Jameson presented the following communication from the City Assessor :

INDIANAPOLIS, May 18, 1868.

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

I would respectfully represent to your honorable body that the Indiana Banking Company have a capital stock (as shown by their reports at the Internal Revenue Office) of \$91,848.00. The Banking firm of A. & J. C. S. Harrison report their capital stock for the month of December at \$66,000, and for the month of January they report their entire capital stock invested in U. S. Bonds; but by tracing back these reports it will be seen that their capital is for a very short period of the year thus invested.

Fletcher & Churchman report a capital stock of \$200,000, invested in U. S. Bonds.

The Indianapolis Branch Banking Company report a capital stock of \$20,000. Yet none of the above mentioned firms and Banking Companies make any return to the City for taxable purposes, which I believe to be an evasion of sections 26 and 27 of an act to provide for the valuation and assessment of real and personal property, which requires an average of the capital to be given in. This requirement of the law we have invariably enforced on Merchants and Manufacturers. And now I submit the question to this Council whether a Banker's money is his stock and subject to the same requirements.

Respectfully submitted,

WM. HADLEY, *City Assessor.*

Also, the opinion of the City Attorney on same subject.

INDIANAPOLIS, May 18, 1868.

William Hadley, Esq., City Assessor :

DEAR SIR:—I am of opinion that the capital stock employed in the business of Banking of a private banker, whether invested in Government Bonds or not, is subject to taxation.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which were received.

Dr. Jameson offered the following motion :

That the Assessor be directed to place on the duplicate the amount of the capital of private banks as communicated by him.

Which was adopted.

Dr. Jameson introduced general ordinance No. 138, entitled :

AN ORDINANCE relative to the construction of sewers, prescribing certain rules of proceeding relative thereto, and regulating such other matters as properly pertain thereto.

Which was read the first time by its title.

Dr. Jameson introduced general ordinance No. 139, entitled :

AN ORDINANCE in relation to the duties of the City Clerk.

Which was read the first time by its title.

Dr. Jameson presented the following report of the City Attorney.

INDIANAPOLIS, May 11, 1868.

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

GENTLEMEN:—I have examined the report of the Select Committee on sewerage and respectfully submit the following opinion :

That the Common Council have power to construct sewers and to cause them to be paid for either out of the general treasury of the city or by an assessment upon the real estate benefited by such sewer, whether such real estate is situated immediately upon the line of said sewer or not.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was received.

Dr. Jameson introduced general ordinance No. 140, entitled :

AN ORDINANCE providing for the construction of a sewer and drains on New Jersey street, between the center of Walnut street and Pogue Run.

Which was read the first time by its title.

Mr. Goddard presented the following remonstrance :

INDIANAPOLIS, May 18, 1868.

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

Your petitioners, residents of the south-west part of the city, respectfully state that there are Soap Factories and a Bone Mill in their vicinity, but beyond the corporate limits of the city, which are prejudicial to the comfort and health of the people by the creation of offensive odors, and which depreciates the value of the property and residences of your petitioners and other citizens. They therefore pray your honorable body to enact an ordinance against nuisances. And they will ever pray, &c.

Samuel Flack,
Denis Flynn,
Daniel Stundon,

W. C. Harrison,
Patrick Stundon,
And 147 others.

Mr. Goddard, also, presented the following opinion of the City Attorney :

INDIANAPOLIS, May 11, 1868.

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

GENTLEMEN :—I have examined the accompanying form of an ordinance, and am of opinion that Council has ample power to enact and enforce such an ordinance.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which were referred to the Board of Health.

Mr. Goddard, also, introduced general ordinance No. 141, entitled :
AN ORDINANCE regarding nuisances.

Which was read the first time by its title, and referred to the Board of Health along with the other papers on the subject.

Mr. Foster offered the following motion :

To reconsider the motion of Mr. Brown, passed last meeting, in regard to the petition of Mr. I. H. Roll, and to delay further action on same until next meeting of Council for further deliberation and legal investigation.

Mr. Brown called for the ayes and noes on the adoption of the motion :

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the motion was adopted.

Mr. Davis presented the following petition :

INDIANAPOLIS, May 18, 1868.

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

GENTLEMEN:—The undersigned would respectfully ask your honorable body to grant permission to construct a coal cellar in front of the south end of lot No. 4, being on Pearl street, extending twelve feet from the line of said Pearl street. Your petitioner proposes to construct a substantial archway, and to place in the top of said arch just such curb and cap as is used in the top of fire cisterns; and also desires the work to be done under the direction of the Civil Engineer. And for which your petitioner would ever pray.

CHARLES MAYER.

Which was referred to the Board of Public Improvements.

Mr. Davis, also, presented the following petition :

INDIANAPOLIS, May 15, 1868.

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

GENTLEMEN:—The petitioner respectfully requests the passage of an ordinance for the erection of two lamp-posts on St. Clair street, between Illinois and Meridian streets. No cross street in the city, your petitioner believes, has more travel from Street Cars and otherwise than St. Clair, and the necessity for lighting the same he respectfully suggests.

Signed,

J. H. BALDWIN.

Which was referred to the Committee on Gas.

Mr. Seidensticker introduced general ordinance No. 142, entitled :

AN ORDINANCE to provide for the compensation of City Officers and Officers and members of the Police Force and Fire Department, for the fiscal year ending May 15th, 1869.

Which was read the first time by its title.

Mr. Goddard offered the following motion :

That Godleif Sudlinger be permitted to pave with brick the sidewalks in front of his property on the west side of Illinois street, and that the Civil Engineer be directed to set the grade stakes, the same to be completed in 30 days.

Which was adopted.

Mr. Goddard, also, offered the following motion :

That Samuel Hetselgesser be permitted to bowlder the sidewalk in front of his Livery Stable on South street, the same to be done within 30 days from this date, and the Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Seidensticker presented the following remonstrance :

INDIANAPOLIS, May 18, 1868.

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

We, the undersigned, remonstrate to the petition presented to your honorable body to have the alley graded and graveled running north and south through out-lot number fifty (50), between Davidson and Winston streets and between North and Michigan streets. We think it entirely unnecessary to subject the undersigned to such an expense.

Ashford Lingenfelter,
Philip Magel,
John B. Pasquier,

Harmann Richter,
Fred. Vogel,
And 6 others.

Which was referred to the Board of Public Improvements along with the ordinance.

Mr. Seidensticker offered the following resolution :

Resolved, That the Finance Committee be instructed to embrace in their proposed tax levy for the year 1868, a special tax of 15 cents on every \$100 of taxables for sewerage purposes.

Which, on motion, was made the special order for the next regular meeting of Council.

Mr. Davis offered the following motion :

That the Street Commissioner be, and is hereby, directed to remove all trees now standing upon the corners of streets that obstructs the light from the public lamps; also to cut away the branches from trees between the interceptions, where they obstruct the light from the public lamps.

Which was referred to the Board of Public Improvements.

Mr. Geisel offered the following motion :

That the Civil Engineer be directed to make an estimate of the cost of a sewer of sufficient size to drain off the water from Massachusetts Avenue to Pogue Run, and report the same to the next meeting of the Council.

Which was adopted.

Mr. Geisel, also, offered the following motion :

That John Heath be, and is hereby, permitted to fill up an alley in the rear of his property, between Chatham and St. Clair streets, under the direction of the Civil Engineer.

Which was adopted.

Mr. Brown introduced special ordinance No. 36—1868, entitled :

AN ORDINANCE to provide for curbing the sidewalks on Meridian street, between Pogue Run and the south side of South street.

Which was read the first time and ordered to be advertised.

Mr. Kappes presented the following petition :

INDIANAPOLIS, May 11, 1868.

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

GENTLEMEN:—The undersigned respectfully petition your honorable body to cause Dillon street to be opened from Harrison street to Bates st. through real estate mentioned on the accompanying plat.

The real estate, proposed to be taken for said Dillon street, is owned by I. and C. Railroad Company and H. N. Sullivan.

S. A. Fletcher, jr.,
G. F. Adams,
W. Fletcher,

S. C. Adams,
Wm. B. Bogardus,
And 13 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Coburn offered the following motion :

That the resolution directing the names to be taken from the Steam Fire Engines be enforced, and the Chief Fire Engineer be directed to enforce the order.

Which was laid on the table.

The City Gas Inspector made the following report :

OFFICE OF CITY GAS INSPECTOR, }
Indianapolis, May, 11, 1868. }

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

GENTLEMEN:—At the last meeting of your honorable body, held Monday evening, May 4th, the undersigned, City Gas Inspector, was ordered, through your concurrence in the report of the Special Committee on Gas, "to prepare a time table of two thousand hours, inclusive of at least one hundred hours, to be expended, on dark nights, at his discretion."

In compliance with the above order, I now report that I have, up to this evening, prepared time tables for the remaining months of the present year.

Your new time table only allowing me nineteen hundred hours for regular distribution through the dark hours of the night, I found myself compelled, as a condition precedent to the calculation of the times for lighting and extinguishing the lamps, to rigorously estimate the duration of the morning and evening twilights, so that they might be taken into account. The lamp-lighters claiming that they needed forty-five minutes to do their task in, I have established forty-five minutes prior to end of twilight in the evening as the proper time to "begin to light;" in keeping with the same rule, they "begin to extinguish" at commencement of twilight in the morning, completing that work when the twilight shall be forty-five minutes old.

The saving made by this careful calculation, and the use of all probable natural light, give me a total diminution from old time table for the 6 months commencing with the 1st instant and ending with the last day of October, of only fifty-eight and three-quarter hours. Fully this amount should be allowed for cloudy evenings during that period.

My table for the month of November is four hours *greater* than the one it supersedes; in the month of December I manage to *save* four hours.

During the winter months, extending, say from the 1st of October to the 1st of April, there are many nights in which the sky is clear, and we have a strong starlight, with freshly-fallen snow upon the ground. All these conditions occurring at once would render the artificial lighting of our streets unnecessary. I, therefore, recommend that your Inspector be allowed to make up the full time, whatever it may be, for the winter months and then be

empowered, by your present action, to order the lamps *not* to be lighted on those nights when the natural light would be ample and satisfactory. In my judgment, this plan is the only one under which the lamps could be lighted during all the dark hours of the year.

By a subsequent clause of the same report you ordered "that said Inspector be directed to designate immediately such lamps as shall not longer be lighted, in accordance with the minimum per square as per terms of contract."

In accordance with this action, I have, during the past week, cut off

- 32 lamps on Washington street.
- 11 lamps on Virginia Avenue.
- 10 lamps on North Pennsylvania street.
- 7 lamps on South New Jersey street.
- 7 lamps on Indiana Avenue.
- 8 lamps on Circle street.
- 6 lamps on Massachusetts Avenue.
- 3 lamps on North Meridian street.
- 2 lamps on South Illinois street.
- 1 lamp on North Illinois street.
- 1 lamp on East Market street.
- 1 lamp on East Ohio street.
- 1 lamp on Kentucky Avenue.

Total 90 lamps; which at \$30 each for gas, and \$2.50, the Gas Company's estimated cost for materials used in repairing each lamp, and this cutting off of lamps establish a further saving of about \$3,000.

Respectfully submitted,

GEO. H. FLEMING, *City Gas Inspector.*

Which was received.

On motion, the sealed proposals for public works were referred to the Board of Public Improvements without reading.

In accordance with a motion adopted at the commencement of business, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*