

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, SEPTEMBER 21ST, 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 and Woodburn—13.

Absent—Councilmen Brown, Burgess, Colley, Schmidt and Stanton—5.

The proceedings of the regular session held Sept. 14th, 1868, were read and approved.

REGULAR ORDER OF BUSINESS.

Mr. Cottrell presented the following petition:

INDIANAPOLIS, Sept. 21, 1868.

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

The undersigned respectfully requests the privilege of erecting a one-story office building—8 feet front by 12 feet deep—adjoining the north side of his Foundry buildings, on South Delaware street, the west end of said office—8 feet front—to rest upon the bridge now crossing Pogue Run on Delaware street.

A. D. WOOD.

Which was referred to the Board of Public Improvements.

Mr. Cottrell offered the following motion :

That the City Clerk be instructed to re-advertise for proposals for bowldering Virginia Avenue anew, between Pogue Run and Louisiana street, in compliance with an ordinance passed on the 3d day of June, 1868.

Which was adopted.

Dr. Woodburn was excused for the evening.

Mr. Cottrell offered the following resolution :

*Resolved*, That the owners of the following described real estate, to-wit: The west seventeen (17) feet of lot number one (1), in Square 62, of the City of Indianapolis, be, and they are hereby, required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 23d, 1866, entitled "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain said excavation, as provided in said ordinance, and provided that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Seidensticker—12.

No Councilman voting in the negative.

So the resolution passed.

Mr. Davis introduced special ordinance No. 94—1868, entitled :

AN ORDINANCE to provide for grading and graveling Wabash street and sidewalks between Delaware and Alabama streets.

Which was read the first time.

Mr. Foster offered the following motion :

That the Street Commissioner be directed to remove the wooden culvert from the intersection of the first alley north of Louisiana street, on the west side of Illinois street; and also to bowlder the above intersection in such manner that the gutter will not require any covering.

Which was referred to the Board of Public Improvements.

Mr. Geisel offered the following motion :

That C. Off & Bros. be permitted to grade and gravel an alley running east and west between lots 48 and 49, in out-lot 55, and the Civil Engineer be directed to set the grade stakes.

Which was adopted.

Mr. Geisel, also, offered the following motion :

That the Civil Engineer set the stakes on Arch street and Choptank alley immediately, as the season is getting on when work can't be done.

Which was adopted.

Mr. Goddard presented the following petition :

INDIANAPOLIS, Sept. 18, 1868.

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

We, the undersigned, citizens of the Fifth Ward of the City of Indianapolis, residents and property holders on Kentucky Avenue, between Tennessee and Missouri streets, do respectfully beg to call the attention of your honorable body to the following—to rescind the contract for making the sidewalk on the south side of Kentucky Avenue, between Mississippi and Missouri streets.

Mrs. Margaret McGill,	W. Bradley, Ag't,
T. P. V. Flowers,	William Gulliver,
Wm. H. Roll,	Sarah T. Bolton Reese.
John Truksess,	

Which was granted.

Mr. Henschen offered the following motion :

That the City Attorney be requested to report whether he has entered suit against the I. and C. R. R. Co. for the improvement of Louisiana street, between East st. and the Corporation line east, as per order of Council, and if so, as to the state of the suit: And be it further moved, that he be requested to report at next meeting of Council.

Which was adopted.

Dr. Jameson presented the following petition :

INDIANAPOLIS, Sept. 21, 1868.

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

The undersigned, citizens of Indianapolis and residents on the west side of New Jersey street, between St. Clair street and Massachusetts Avenue, would respectfully petition your honorable body to order that the west side of New Jersey street be paved with brick, nine feet wide, between St. Clair street and Massachusetts Ave.

Daniel G. Williams,	W. D. Wiles,
Jacob Reinacher,	A. J. Danforth,
B. F. Witt,	And 10 others.

Which was received.

Mr. Loomis presented the following petition :

INDIANAPOLIS, Sept. 21, 1868.

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

Charles Werbe & Co. petition you that they may be allowed to affix advertising columns to the gas posts of the city. This column is so constructed as to surround the gas post and rest on it by its weight only, not being in any way fastened to it. When the column has been removed the gas post will, in every way, be exactly as it was before we used it.

Such a grant as we ask will open a large field for advertisements as yet unoccupied in this city, both for us and for those who avail themselves of it. We, there-

fore, respectfully request the permission of the City Council to occupy this same field for our own benefit and the advantage of the business men of the city who patronize us.

Respectfully,

CHAS. WERBE & CO.

Which was referred to the Committee on Gas.

Mr. MacArthur introduced special ordinance No. 95—1868, entitled:

AN ORDINANCE to provide for grading and graveling the west sidewalk of Blackford street from New York to Michigan streets.

Which was read the first time.

Mr. MacArthur offered the following motion:

That the City Civil Engineer and Street Commissioner be instructed to properly repair, immediately, the gutter on the west side of Bright street, between New York street and the Canal.

Which was adopted.

Mr. MacArthur, also, offered the following motion:

That Samuel E. Perkins be permitted to pave with brick the sidewalk in front of his property on the north side of National Road street, second lot west of first alley west of Skillen's Flour Mills, to be done at his own expense, under the direction of the City Civil Engineer.

Which was adopted.

Sealed proposals for public work were opened and read by the City Clerk and referred to the Board of Public Improvements, with instructions to report on the bids for the improvement of Virginia Avenue at once.

#### REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, Sept. 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, would respectfully report:

1st. That James Stewart is the lowest bidder for grading and graveling Arch street and sidewalks, between Broadway and Jackson streets, his bid being  $59\frac{1}{2}$  cts. per lineal foot.

2d. That James Stewart is the lowest bidder for grading and graveling Chop-tank alley, between Walnut and North streets, his bid being  $29\frac{1}{2}$  cents per lineal foot.

3d. That David Sylvester is the lowest bidder for grading and graveling the center alley running north and south, through Square No. 41, from Market to Ohio streets, his bid being 19 cents per foot.

4th. That Wm. Kown is the lowest bidder for grading and graveling Alabama street between St. Joseph and St. Mary streets, his bid being \$1.26 cents per lineal foot.

5th. That S. W. Patterson is the lowest bidder for grading and graveling Fayette street and sidewalks between North and St. Clair streets, his bid being 53 cents per lineal foot.

6th. That Charles Rooney is the lowest bidder for grading and paving the east sidewalk on New Jersey street between Massachusetts Avenue and St. Clair street, his bid being 64 cents per lineal foot.

7th. That Henry Helm is the lowest bidder for securing the embankment and grading and graveling the alley in Square 96, on the west bank of Pogue Run, between South and McNabb streets, his bid being for the stone wall and excavation \$6.10 per yard, and for the mud sills and flooring \$2.50 per hundred feet, board measure, and for grading and graveling the alley 51½ cents per lineal foot. We recommend that the contracts be awarded said party.

8th. We examined the bids for the repairs of the West Market House, and find that to properly repair said house it will cost \$700, more or less. We respectfully refer the matter to your honorable body without any recommendation.

9th. We have examined the petition of Wm. A. Lowe et al., asking to be relieved from a pond of water, occasioned by the improvement of Jackson street, and we respectfully report that while we believe said pond to be a nuisance, and sincerely sympathize with the citizens affected thereby, we have no jurisdiction over the matter, said nuisance being outside of the city limits.

10th. We, in connection with the Civil Engineer, have investigated the facts in regard to the contract of Thomas Wren for the improvement of Tennessee street, between Garden and McCarty streets, and find that the whole amount due said Wren was \$814.45; that he has been paid \$89.03, leaving a balance unpaid of \$725.42. We recommend that said amount be allowed said Wren, to be incorporated in the next ordinance of accounts.

11th. We recommend that Mrs. Marie Rhodius, upon her petition now before us, be allowed to erect a stairway in the alley in Square 56, running east and west between Washington and Market streets, said stairway not to occupy more than three feet.

12th. We have examined the ordinance for the repairing of Delaware street, and also the improvement made under said ordinance, and believe that the work corresponds with the ordinance, and we recommend that the estimate be allowed the contractor (Mr. Carr) for said work.

13th. The Board respectfully recommends that as there is no money now appropriated for street repairs, and as there are a great many improvements very much needed, that there be appropriated \$5,000 for said purpose.

All of which is respectfully submitted.

J. W. DAVIS,  
SAMUEL GODDARD, } *Board.*  
HENRY COBURN, }

D. M. RANDELL, Clerk.

Mr. Cottrell moved that the 11th paragraph be not concurred in; and called for the ayes and noes.

The question being on rejecting said paragraph, those who voted in the affirmative were Councilmen Coburn, Cottrell, Foster, Geisel, Jameson, Kappes and Loomis—7.

Those who voted in the negative were Councilmen Davis, Goddard, Henschen, MacArthur and Seidensticker—5.

So the paragraph was not concurred in.

On motion by Mr. Seidensticker, the 9th paragraph of the report was referred to the City Attorney for his opinion.

The remainder of the report was then concurred in.

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

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

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

GENTLEMEN:—The Board of Public Improvements would report that for the improvement of Virginia Avenue Mr. Samuel Hanway is the lowest bidder, his bid being \$1.33 cents per cubic yard for street; also, the sum of \$1.08 cents per cubic yard for coarse river gravel for sidewalks.

JOSEPH W. DAVIS, }  
SAMUEL GODDARD, } *Board.*  
HENRY COBURN, }

Which was concurred in, and the contract awarded.

#### REPORTS FROM COMMITTEES.

Mr. Cappes, from the Committee on Benevolence and Hospital, made the following report :

INDIANAPOLIS, Sept. 21, 1868.

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

GENTLEMEN:—Your Committee, to whom was referred the communication of James M. Ray and others, together with a petition of many citizens and tax-payers, asking for an appropriation to the Board of Trustees of the Indianapolis "Home for Friendless Women," incorporated on the 18th day of February, 1867, under the law of the State of Indiana, entitled "An act for and concerning the organization of voluntary associations," approved Feb. 12, 1855, of the sum of \$7,500 in aid of the erection of a suitable building for accomplishing the charitable object of such incorporation, beg leave to report that in their opinion the prayer of the petitioners ought to be granted.

Respectfully submitted,

J. HENRY KAPPES, }  
W. H. LOOMIS. } *Committee.*  
HENRY GEISEL, }

Which was received.

Also, special appropriation ordinance No. 46—1868, entitled :

AN ORDINANCE appropriating money for the building of a Home for Friendless Women.

Which was read the first time.

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS  
OF CITY HOSPITAL, ENDING SEPTEMBER 19, 1868.

Number of patients in Hospital at last report.....	22
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.....	5
Number of patients died in Hospital since last report.....	1
Number of patients remaining in Hospital at present report .....	19

Which was received.

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

INDIANAPOLIS, Sept. 17, 1868.

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

GENTLEMEN:—The City Clerk respectfully reports that he has finished the examination of the Indianapolis and Vincennes Railroad Company, and finds that the said Road will have to secure 823 more names to give them a majority of the resident frecholders in the city; for statement see report.

Respectfully,

JOHN G. WATERS, Deputy City Clerk.

Which was referred back to the Committee.

Mr. Coburn, from the Committee on Fire Department, made the following report :

INDIANAPOLIS, Sept. 21, 1868.

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

GENTLEMEN:—The Committee on Fire Department would report that they have received bids for the frame tower to be erected at No. 2 Engine House; also, for the repairs of the Engine House and the erection of a brick tower in front part of the present house. Thos. Richards and Peter Routier each bid to build the frame tower for \$950. John B. Many is the lowest bidder to erect the brick tower for \$2,275.

We would recommend that the contract be awarded to J. B. Many, and that a brick tower be crected.

HENRY COBURN, }  
J. H. KAPPES, } *Committee.*

Mr. Geisel offered the following motion :

That the contract for awarding the building of a brick tower and repairing Engine House No. 2, be awarded to Boedeker & Nieman, at their bid for \$1,950.

Which was laid on the table.

On motion by Mr. Cottrell the report was laid on the table.

REPORTS FROM CITY OFFICERS.

The Civil Engineer made the following report :

INDIANAPOLIS, Sept. 21, 1868.

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

I hereby report the following work finished according to contract :

D. Root and J. B. Root for erecting lamp-posts, lamps and fixtures on Chatham street, between St. Clair street and Massachusetts Avenue :

Two corner posts at \$36.....	\$72 00
Two intermediate posts at \$34.....	68 00
Total .....	\$140 00

Also, the same, for erecting lamp-posts, lamps and fixtures on St. Clair street, between Meridian and Illinois streets.

Two intermediate posts at \$34 per post.....	\$68 00
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Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

Also, the following report :

INDIANAPOLIS, Sept. 21, 1868.

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

I hereby report the following work finished according to contract :

Samuel Hanway for grading and graveling Wabash street and sidewalks, between Mississippi and Missouri streets :

Length on the north side .....	420 feet.
Length on the south side .....	420 "

Total length..... 840 "

At 23 cents per lineal foot .....	\$193 20
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Also, Samuel Hanway for grading and graveling Muskingum street and sidewalks, between New York and Vermont streets :

Length on east side .....	420 feet.
Length on west side .....	420 "

Total length..... 840 "

At 22 cents per lineal foot.....	\$184 80
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Also, Wm. Kown for grading and graveling Kentucky Avenue, between Tennessee and Missouri streets :

Length on east side .....	1360 feet.
Length on west side.....	1360 "

Total length..... 2720 "

At 50 cents per lineal foot.....	\$1,360 00
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Also, Feary & Dillon for grading and paving the north sidewalk on North st., between Alabama and Delaware streets :

Length of sidewalk.....	421 feet.
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At 65 cents per lineal foot .....	\$273 65
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Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in, with the exception of the paragraph relating to the paving of the sidewalk on North street, which was referred back to the Engineer.

The City Clerk made the following report :

INDIANAPOLIS, Sept. 21, 1868.

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

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

1st. The contract and bond of Deloss & Jerome B. Root for erecting lamp-posts, lamps and fixtures on Meridian street, or Bluff Road, between Ray and Morris streets.

2d. The contract and bond of Deloss & Jerome B. Root for erecting lamp-posts, lamps and fixtures on California street, between Vermont and Michigan streets.

3d. First and final estimate allowed Samuel Hanway for grading and graveling Wabash street and sidewalks, between Mississippi and Missouri streets, is presented for your approval.

4th. First and final estimate allowed Samuel Hanway for grading and graveling Muskingum street and sidewalks, between Vermont and New York streets, is presented for your approval.

5th. First and final estimate allowed Wm. Kown for grading and graveling Kentucky Avenue, between Tennessee and Missouri streets, is presented for your approval.

6th. Contract and bond of Henry Helm for grading and graveling the alley running north and south through Square 96, and between South and McNabb sts., and for the protection of the east bank of said alley along the line of Pogue Run.

Respectfully submitted,

DAN. M. RANSELL, City Clerk.

Per JOHN G. WATERS, Deputy.

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

The following report from the City Attorney was called for.

INDIANAPOLIS, Sept. 21, 1868.

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

GENTLEMEN:—I have examined the ordinance providing for the improvement of the alley adjoining Pogue Run, and for the erection of a wall.

The statute confers upon the Council power to grade and gravel streets and alleys. Whatever is incident to the proper exercise of this power is implied. If an alley cannot be improved properly without the erection of a wall, I think Council have the power to cause one to be constructed.

The property owner on the bank of a stream not navigable owns the fee to the center thereof.

For street assessments there is no personal liability. The property upon the line of the improvement only is liable. None of the other property of the owner can be made liable.

The contractor must look to the adjacent property alone to pay the expenses of the improvement. This is expressly decided by our Supreme Court in the case of *Smith vs. City of New Albany*.

In case an alley is improved and wall constructed, the entire expense should be estimated and assessed as in ordinary cases of street improvement.

Respectfully,

B. K. ELLIOTT, *City Attorney*.

Which was received.

Mr. Davis moved to reconsider that part of the report of the Board of Public Improvements awarding the contract for building the stone wall and improving the alley in Square No. 96.

The question being on reconsidering, those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel, Goddard, Jameson, Kappes and MacArthur—8.

Those who voted in the negative were Councilmen Coburn, Henschen, Loomis and Seidensticker—4.

So the motion to reconsider was adopted.

Mr. Geisel then moved that the contract be awarded to Henry Helm.

The question being on awarding the contract and approving the bond, Mr. Davis called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis and Seidensticker—9.

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

So the contract was awarded and the bond approved.

The City Clerk offered the following resolution :

*Resolved*, That the foregoing first and final estimate allowed Samuel Hanway for grading and graveling Muskingum street, between Vermont and New York streets, be, and the same 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.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Seidensticker—12.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate allowed Samuel Hanway for grading and graveling Wabash street and sidewalks, between Mississippi and Missouri streets, be, and the same 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.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Seidensticker—12.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate allowed William Kown for grading and graveling Kentucky Avenue, between Tennessee and Missouri streets, be, and the same 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.

Which was referred to the City Attorney.

Mr. Cottrell offered the following resolution :

*Resolved*, That the City Clerk be instructed to re-advertise for sealed proposals to build the sewer on Ray street from Delaware street to Pogue Run, size, 36, 42, 48 and 60 inches, bids to be received on Monday, Sept. 28, 1868.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Seidensticker—12.

No Councilman voting in the negative.

So the resolution passed.

Mr. Davis introduced special appropriation ordinance No. 47—1868, entitled :

AN ORDINANCE appropriating money for the repair of streets, alleys, sidewalks, building bridges and culverts.

Which was read the first and second times and ordered to be engrossed.

On motion by Mr. MacArthur, special ordinance No. 95—1868, was read the second time.

On motion, the Council adjourned until Thursday evening, Sept 24th, 1868, 7½ o'clock.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANSELL, *City Clerk*.