

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, DECEMBER 28TH, 1868, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—Dr. Woodburn in the chair, and the following members :

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

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

The proceedings of the regular session, held Dec. 21st, 1868, were read and approved.

The ordinance providing for the execution and delivery of bonds of the City of Indianapolis to the Junction Railroad Company, and to the Vincennes Railroad Company, being the special order, was called up and read the second time.

By consent, the words "liquidated damages" were inserted after the words "fifty thousand dollars," in the 6th section.

By consent, the words "in and along said road," were stricken out in the 6th section.

Mr. Davis made some remarks reflecting upon the action of the committee reporting the ordinance, to which Mr. Seidensticker, on behalf of the committee, replied that the committee had acted with the utmost good faith in the matter, and that he further courted an investigation.

Mr. Davis arose to speak further. but the Chair decided that discussion was out of order.

From which decision Mr. Brown appealed.

The question being, shall the decision of the Chair be sustained?

Those who voted in the affirmative were Councilmen Coburn, Jameson, Kappes, Loomis, MacArthur and Stanton—6.

Those who voted in the negative were Councilmen Brown, Cottrell, Foster, Geisel and Henschen—5.

So the decision of the Chair was sustained.

Mr. Davis moved to lay the ordinance on the table, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel and Henschen—5.

Those who voted in the negative were Councilmen Brown, Coburn, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—9.

So the motion to lay on the table was lost.

Mr. Davis moved that the ordinance be indefinitely postponed.

Mr. Loomis moved to lay Mr. Davis's motion on the table.

Mr. Davis called for the ayes and noes.

The question being to lay the motion to postpone on the table, those who voted in the affirmative were Councilmen Brown, Coburn, Jameson, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—8.

Those who voted in the negative were Councilmen Cottrell, Davis, Foster, Geisel, Henschen and Stanton—6.

So the motion to postpone was laid on the table.

Mr. Loomis moved that the ordinance be engrossed.

Dr. Jameson called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Coburn, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—9.

Those who voted in the negative were Councilmen Cottrell, Davis, Foster, Geisel and Henschen—5.

So the ordinance was ordered to be engrossed.

By consent, Dr. Jameson called up the ordinance on its third reading.

The ordinance was 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, Coburn, Geisel, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—11.

Those who voted in the negative were Councilmen Cottrell, Davis, Foster and Henschen—4.

So the ordinance passed.

Mr. Seidensticker rose to a question of privilege, and offered the following resolution :

WHEREAS, Councilman Davis has charged that several Committee men, and among others A. Seidensticker, has been fed by Railroad Companies to induce and help to vote for the ordinance appropriating the bonds of the city in accordance to the petition heretofore presented: Therefore be it

Resolved, That a Committee of Investigation be appointed, to whom the power of the Council in investigations upon charges, is hereby deputed to fully investigate said charge and report to this Council.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Henschen, Jameson, Kappes, Loomis, MacArthur, Stanton and Woodburn—9.

Those who voted in the negative were Councilmen Cottrell, Davis, Foster and Geisel—4.

So the resolution passed.

The Chair appointed as such Committee Councilmen Loomis, Coburn and MacArthur.

By unanimous consent the following petition was received and referred to the Committee on Benevolence.

INDIANAPOLIS, Dec. 23, 1868.

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

GENTLEMEN:—The undersigned, being of that unfortunate class of females against whom a recent ordinance of your honorable body has denounced

many great and grievous penalties, which they cannot bear; and being, for that reason, anxious to leave the city of Indianapolis, where the moral and religious part of the community will not furnish them employment, owing to their past course of life, and being driven by necessity and your ordinance either to leave said city or starve to death in the same, or suffer said penalties, and having no money to pay their expenses to other places where they may find employment, and bread and clothing, do respectfully petition your honorable body, as an act of charity and in aid of virtue and morality, to pay their fare from Indianapolis to such other distant places as will afford them a shelter and employment, and where the reputation of their past life will not shut the doors of the virtuous and upright against them, and thus prevent their return to the paths of virtue and honor. They beg leave further to say that the women with whom they have been living have notified them of their intention to close their houses; and as they are already in debt to their boarding mistresses, they are under the necessity of requesting that the relief which they pray herein may be promptly rendered. And as in duty bound they will ever pray, &c.

Miss Belle Smith,
Kate Black,
Maggie Thomas,

Jennie Lee,
Nellie Mc,
And 24 others.

REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motions :

That the Street Commissioner be directed to construct the culvert under the Jeffersonville, Madison and Indianapolis Railroad, south of Madison Avenue, heretofore ordered by the Common Council, and to construct which the Jeffersonville, Madison and Indianapolis Railroad Company have been notified and have failed to do such work; and when such culvert is constructed, that the Street Commissioner proceed to collect the costs of constructing the same from such Railroad Company, by suit if necessary.

That Wineberger & Co. be authorized to erect a lamp-post in front of No. 10 West Louisiana street, provided the same be done at their own expense, and that the lighting the same be done at their own expense.

Which were adopted.

Mr. Brown introduced general ordinance No. 168—1868, entitled:
AN ORDINANCE abolishing the Board of Public Improvements of the City of Indianapolis.

Which was read the first time.

Mr. Brown introduced general ordinance No. 169—1868, entitled:
AN ORDINANCE repealing an ordinance creating the office of City Judge and regulating the duties thereof, and all ordinances amendatory or supplementary thereto

Which was read the first time.

Mr. Brown introduced general ordinance No. 170—1868, entitled:
AN ORDINANCE to abolish the Board of Police of the City of Indianapolis, and repealing all existing ordinances creating and governing such Board.

Which was read the first time.

Mr. Cottrell offered the following resolution :

Resolved, That a select committee be appointed by the Chair, consisting of two members of the Council in addition to the Board of Police, which select committee shall have power to investigate any charges, or inquire into any facts affecting the standing or dereliction of duty of any Police Officer of the city, which committee shall have further power to summons and compel the attendance of any witness.

Be it further resolved, That such trial shall be held, in case of any trial, in the Council Chamber, and to be an open and public trial.

Mr. Loomis moved to lay the resolution on the table.

Mr. Cottrell called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—7.

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

So the motion to lay on the table was lost.

The question then being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen and Kappes—7.

Those who voted in the negative were Councilmen Coburn, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—7.

So the resolution did not pass.

Mr. Davis introduced general ordinance No. 171—1868, entitled :

AN ORDINANCE to repeal an ordinance entitled " An ordinance directing the City Clerk to issue an annual licence to L. D. Goldsberry & Co. to carry on theatrical performances in the Hall of the Exchange Building, on North Illinois street.

Which was read the first time.

Mr. Davis presented the following bill :

INDIANAPOLIS, Dec. 28, 1868.

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

	City of Indianapolis,	To Schulmeyer & Kalb,	Dr.
Nov. 1.	To extra lighting and extinguishing 794 public lamps, as per order of City Gas Inspector, at the rate of 30 cents per lamp per month,	- - - - -	\$7 94
Nov. 25.	To same service per order,	- - - - -	7 94
	Total,	- - - - -	\$15 88

Which was referred to the City Attorney.

Mr. Foster offered the following motions :

That the Terre Haute and Indianapolis Railroad Company station a flagman at the intersection of Louisiana and West streets, whose duty it shall be to warn persons of the approach of trains on said tracks.

That the City Attorney be instructed to examine the ordinance, resolution or motion, giving the Terre Haute and Indianapolis Railroad Company the right to use and occupy Louisiana street, and report to this Council whether they have the right to use more than one-half of the south side of Louisiana street between Mississippi and West streets, and between New Jersey and East streets; also, report to Council the proper legal means on the part of the city for removing any excess of tracks on said street.

Which were adopted.

Mr. Geisel offered the following motion :

That the Street Commissioner be directed to notify the Bellefontaine Railroad Company to plank the crossing of their road at John street.

Which was adopted.

Also, the following motion :

That the list of delinquent tax payers be not published in the Daily Telegraph, unless the name of the German tax payers be published in the German language.

Mr. Brown offered the following as a substitute :

That any publication of the delinquent tax list in the German Telegraph that may be made, is not authorized and will not be paid for by this Council.

Mr. Loomis moved to lay the substitute on the table.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Loomis, MacArthur, Seidensticker, Stanton and Woodburn—5.

Those who voted in the negative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson and Kappes—9.

So the motion to lay on the table was lost.

Mr. Brown called for the ayes and noes on his substitute.

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Foster and Kappes—5.

Those who voted in the negative were Councilmen Davis, Geisel, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—9.

So the substitute was not adopted.

Mr. Geisel's motion was then adopted.

Mr. Geisel presented the following petition :

INDIANAPOLIS, Dec. 28, 1868.

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

GENTLEMEN:—Whereas the Charter of our City provides that "No person shall hold the office of Councilman unless he is a resident of the Ward from which he is elected." And whereas, the General Assembly have expressly empowered your honorable body to declare the office of such member thereof as may remove from his Ward: And whereas, the Hon. Adolph Seidensticker, who was formerly our representative in your honorable body, has removed from the Ninth Ward to the Sixth Ward of said city, and thereby brought himself within the above imperative provision of law, the undersigned citizens and registered voters of the said Ninth Ward, respectfully and earnestly request your honorable body to declare the office of Councilman, formerly held by said Seidensticker, vacant, as it is their right to be represented by a citizen of their own Ward.

Respectfully,

E. B. Dill,	Jacob Voorhees,
Wm. Morrison,	John Frick,
Levi Antrim,	And 276 others.

Which was received.

Dr. Jameson moved that the petition be referred to the City Clerk, with instructions to examine the duplicate or registry list, and ascertain, if possible, how many names thereon are residents of the Ninth Ward.

The question being on the passage of the motion, those who voted in the affirmative were Councilmen Coburn, Jameson, Loomis, MacArthur, Stanton and Woodburn—6.

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

So the motion to refer was lost.

On motion by Mr. Brown, the further consideration of the subject was postponed for one week.

Mr. Geisel introduced general ordinance No. 172—1868, entitled :

AN ORDINANCE to protect citizens from improper arrests.

Which was read the first time.

By consent, Dr. Jameson presented the following :

INDIANAPOLIS, Dec. 28, 1868.

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

GENTLEMEN:—I have appointed H. P. Randall, J. B. MacArthur and J. W. Hadley, Deputy City Assessors, and ask you to confirm the same and pay them at the rate of \$2.50 per day for the time employed.

WM. HADLEY, *City Assessor.*

N. B. You will also confirm the following gentlemen, who are the Township Assessors, to legalize their assessments in the City, viz., John Reynolds, Hiram J. Craft, Levi F. Wilmington and Nelson Hoss, who are not to receive their pay from the city.

Which was received.

Also, the following resolution :

Resolved, That the following gentlemen be confirmed as Deputy City Assessors, viz., H. P. Randall, J. B. MacArthur and J. W. Hadley for the city; John Reynolds, Hiram J. Craft, Levi F. Wilmington and Nelson Hoss for the Township.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson, Kappes, Loomis, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the resolution passed.

Dr. Jameson presented the following resignation :

INDIANAPOLIS Dec. 28, 1868.

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

I hereby tender my resignation as a member of the Board of Police.

P. H. JAMESON.

Which was not accepted.

By consent, Dr. Jameson made the following report :

INDIANAPOLIS, Dec. 28, 1868.

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

GENTLEMEN:—The Committee on Finance, to whom was referred sundry matters, beg leave to report:

1st. That the petition of L. B. Wilson, in reference to the taxes assessed against Emerine Mothershead on personal property, be not granted, said property being duly returned by J. W. Brown, the administrator, and being justly taxable.

2d. That abatement in taxes, as asked for by Joseph Parisette, be not granted. Te petitioner had ample time to have corrected any error in the appraisement of his property by coming before the Board of Equalization at the proper time.

3d. That the petition of Samuel Love, asking for the refunding of license be not granted.

4th. That the petition of N. B. Palmer, asking for \$33 for lamp-post erected by him, be granted, and that the Auditor be directed to place the amount in an appropriation ordinance, and the Street Commissioner be directed to sell said post and pay the proceeds to the Treasurer.

5th. That the communication of Christian Schmidt, referring to the fencing of the City's lot used for the burial of dead animals be laid on the table.

6th. That the petition of Carter M. Riggs in reference to taxes on his personal property, be not granted, the return being in due form and sworn to by the petitioner.

7th. That the petition of Julius Pettie be referred to the City Attorney, who shall investigate the facts and report the proper action to be taken by the Council.

8th. That the petition of George W. Miller, in reference to taxes on \$500 personal property erroneously returned by his wife, be granted.

All of which is respectfully submitted.

P. H. JAMESON,	} Committee.
C. F. SCHMIDT,	
THOS. COTTRELL,	

Which was concurred in.

Mr. Kappes presented the following petition :

INDIANAPOLIS, Dec. 28, 1868.

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

The undersigned were appointed a committee by the Young Men's Christian Association of Indianapolis, to confer with the City Council in reference to the destitute floating population in our city. Our Association has been furnishing a sleeping place and food for those persons who are picked up by our police in the streets, furnishing a night's lodging and one meal, thus keeping those destitute persons from starving; and as we have thus used up nearly all the means in our possession, this committee was appointed to ask from this Council an appropriation of three hundred dollars (\$300), to enable us to carry on this benevolent work.

Respectfully,

J. T. BOYD,
REV. BRANT,
W. J. BELL.

Which was referred to the Committee on Benevolence.

Mr. Loomis offered the following motion :

That Charles Snider & Co. be permitted to place a set of hay scales opposite their place of business on East street, near Virginia Avenue, the same not to interfere with the sidewalk or obstruct the street.

Which was adopted.

Mr. Loomis presented the following communication :

INDIANAPOLIS, Dec. 28, 1868.

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

GENTLEMEN:—Having been told by some of the city officers that public halls similar in character to Masonic Hall, were licensed by the year, and thinking that it might be of some advantage to our hall if the City Council would place it upon the same footing and terms as other halls, I applied to Mr. W. H. Loomis to submit an ordinance to that effect to the Council, which he did some time in the past summer; but to this date I learn that no definite action has been had in regard to it. Now if, in the multiplicity of business pressing upon your honorable body, you can make it convenient to determine that question, it would enable me to answer inquiries of parties applying from time to time to rent our Hall.

There may be good and sufficient reasons for refusing us a license as has heretofore been granted other halls, of which, of course, you are to be the judges.

We desire a license by the year, if it can be had upon the same terms of other similar halls of the city.

Respectfully yours,

JOHN H. BRAMWELL, Agent,
For himself and others, Trustees.

Which was received.

Mr. Loomis introduced general ordinance No. 173—1868, entitled:
AN ORDINANCE establishing and bounding the Wards of the City of Indianapolis.

Which was read the first time.

Mr. MacArthur offered the following motion :

That the Committee on Revision of Ordinances report an amendment to an ordinance entitled "An ordinance preventing frauds in the sale of wood, and providing for Wood Measurers," so that the Wood Measurer may be invested with full power to have any and all loads of stove wood that are loaded in tight wagon beds unloaded on the market: *Provided*, Said Wood Measurer may in his opinion think that said load of wood is improperly loaded in the bottom of the wagon, the same to be done at the expense of the owner of the wood.

Which was adopted.

By consent, the Street Commissioner made the following report :

INDIANAPOLIS, Dec. 28, 1868.

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

GENTLEMEN:—I hereby report the following work finished according to contract :

William Kown, for repairing South street between Pennsylvania and Delaware streets. One thousand one hundred and ninety-six cubic yards, screened River gravel, at one dollar and twenty-four cents (\$1.24), per cubic yard, amounting to one thousand four hundred and eighty-three dollars and four cents (\$1,483.04.)

Respectfully submitted,

AUGUST RICHTER, *Street Commissioner.*

Which was concurred in.

By consent, the Civil Engineer made the following report :

INDIANAPOLIS, Dec. 21, 1868.

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

I hereby report the following work finished according to contract :

James Stewart, for grading and graveling Wabash street and sidewalks between Delaware and Alabama streets :

Length on the north side,	-	-	-	-	420 feet.
Length on the south side,	-	-	-	-	420 feet.
Total length,	-	-	-	-	840 feet.
At 29½ cents per lineal foot,	-	-	-	-	\$247 80

Also, Samuel H. Patterson, for grading and graveling the second alley west of Mississippi street, between Wabash and Market streets:

Length on the east side, -	-	-	-	-	195 feet.
Length on the west side, -	-	-	-	-	195 feet.
Total length, -					390 feet.
At 19 cents per lineal foot,	-	-	-	-	\$74 10

Also, James Mahoney, for grading and graveling Eckert street and sidewalks, between Kentucky Avenue and Merrill street:

Length on the east side, -	-	-	-	-	390 feet.
Length on the west side, -	-	-	-	-	323 " 11 in.
Total length, -					713 " 11 in.
At 55 cents per lineal foot,	-	-	-	-	\$392 65
Respectfully,			R. M. PATTERSON, <i>Civil Engineer.</i>		

Which was concurred in.

By consent, the City Clerk made the following report:

INDIANAPOLIS, Dec. 28, 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. First and final estimate allowed James Stewart for grading and graveling Wabash street and sidewalks, between Delaware and Alabama streets, is presented for your approval.

2d. First and final estimate allowed Samuel W. Patterson for grading and graveling the first alley west of Mississippi street, between Wabash and Market streets, is presented for your approval.

3d. First and final estimate allowed James Mahoney for grading and graveling Eckert street and sidewalks, between Merrill street and Kentucky Avenue, is also presented for your approval.

4th. Contract and bond of James Stewart to grade and gravel the first alley north of Gregg street, between Fort Wayne Avenue and East street, is presented for your approval.

5th. Contract and bond of James Stewart to grade and gravel Vine street and sidewalks, between Jackson and Ash streets, is also presented for your approval.

6th. First and final estimate allowed William Kown for repairing South street, between Delaware and Pennsylvania streets, is also presented for your approval.

Respectfully submitted,

DAN. M. RANSELL, City Clerk.

Per JOHN G. WATERS, Deputy.

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

Also, the following resolution:

Resolved, That the foregoing first and final estimate allowed James Stewart for grading and graveling Wabash street and sidewalks, between Delaware and Alabama 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 Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed Samuel W. Patterson for grading and graveling the second alley west of Mississippi st. between Wabash and Market 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 Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed James Mahoney for grading and graveling Eckert street and sidewalks, between Merrill street and Kentucky Avenue, 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 Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution passed.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed Wm. Kown for repairing South street, between Delaware and Pennsylvania 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 Brown, Coburn, Cottrell, Davis, Foster, Geisel, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution passed.

On motion the Council adjourned.

DR. J. H. WOODBURN, Chairman.

ATTEST:

D. M. RANSELL, *City Clerk.*