

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

---

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JANUARY 8TH, 1866, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair; and the following members at first roll-call:

Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Staub and Thompson—16.

Absent—Councilmen Lefever and Schmidt—2.

The proceedings of the regular session, held December 18th, 1865, and of the adjourned session held December 23d, 1865, were read and approved.

By Mr. Loomis—Petition:

INDIANAPOLIS, December 28, 1865.

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

We, the undersigned, citizens of the Eighth Ward, residing in the vicinity of Virginia Avenue, would respectfully represent to your honorable body the necessity of constructing a walk or crossing across the Avenue in front of the Eighth Ward School House. The number of persons crossing at that

point is, perhaps, as great as at any part of the Avenue in the Ward, and during inclement weather is almost impassable for ladies and children. It is also especially desirable for the benefit of the large number of pupils attending the School who live south of the Avenue, and who have to cross in the mud, as there is no crossing in the vicinity. We therefore pray that the Street Commissioner be directed to construct the same at an early day.

T. L. Roberts,

J. M. J. Langsdale,

C. E. Whitsit,

V. B. Cress,

Hubbard Williams,

And 5 others.

. On motion, the prayer of the petitioners was granted.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, Jan. 8, 1860.

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

The undersigned, Trustees of the St. Paul's Church of this city, respectfully represent that for years their School House property has been subjected to the payment of city taxes, and that the same is now again on the tax duplicate of the city. Believing the law to be well settled now, that such property is exempt from taxation, they respectfully ask that the City Treasurer be authorized or instructed to strike said property from the tax duplicate.

Frederick Ostermeyer,

Frederick William Rasener,

William Rafert.

Which, on motion, was referred to the Finance Committee.

By Mr. Loomis :

*Resolved,* That the Civil Engineer be, and is hereby, instructed to give C. E. Whitsit an estimate covering the amount of work finished for grading and paving with brick the sidewalk on the east side of Illinois street, between Market and North streets, provided the same be done according to contract.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Curn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Staub and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Brown :

*Resolved,* That Joseph W. Davis, T. L. Roberts, Agidus Naltner, David S. Beaty and William Coughlin be, and they are hereby, appointed by the Common Council of the City of Indianapolis as Commissioners to view property and assess all benefits or damages that may be awarded in favor of or against any person for the opening of any street or alley, or by the changing the course of any stream within the city limits. Such Commissioners shall serve for one year from the date of their qualification, and until their successors are appointed and qualified.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Co-

burn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Staub and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Seidensticker :

*Resolved*, That the Civil Engineer be instructed to re-advertise for bids for the grading and graveling of East Washington street and all other street improvements formerly ordered, and that said bids be received and opened in the Council meeting of January 22d.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15.

Councilman Coburn voting in the negative—1.

So the resolution passed.

By Dr. Jameson :

*Resolved*, That Austin H. Brown be and is hereby appointed City Auditor.

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

The question being on laying the resolution upon the table, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Colley, Emerson, Glazier, Loomis, MacArthur and Thompson—7.

Those who voted in the negative were Councilmen Boaz, Coburn, Grosvenor, Jameson, Kappes, Schmidt, Seidensticker and Staub—8.

So the resolution was not laid upon the table.

Dr. W. Clinton Thompson moved to postpone the resolution, and that it be made the special order of business at the next regular meeting of Council.

The question being on postponing the resolution, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Colley, Emerson, Glazier, Loomis, MacArthur, Schmidt and Thompson—8.

Those who voted in the negative were Councilmen Boaz, Coburn, Grosvenor, Jameson, Kappes, Seidensticker and Staub—7.

So the resolution was postponed.

By Mr. Seidensticker :

*Resolved*, That the City Attorney be requested to report whether, under the amended charter, private property holders are liable to pay for street and alley crossings, in cases where ordinances for street improvements were passed before the adoption of the new charter.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Loomis :

*Resolved*, That the Civil Engineer be directed to make, or employ some suitable person to make, a plat book of the city of Indianapolis, and that this Council hereby pledge themselves to pay for the same when completed.

Which, on motion, was referred to the Finance Committee.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, December 20, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, would respectfully report to your honorable body that we herewith submit the reports of the Street Commissioner, showing the work done the last month, and his financial report showing his expenses. The vouchers accompanying his report have been examined and found correct, and filed with the Clerk.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*  
W. CLINTON THOMPSON, }

*Report of the Street Commissioner to the Board of Public Improvements :*

GENTLEMEN:—The undersigned, Street Commissioner, begs leave to report to your honorable board as follows:

1. I placed one foot-bridge on Pennsylvania and Georgia streets.
2. I placed one foot-bridge on Meridian and Georgia streets.
3. I repaired the culvert on Illinois and Georgia streets.
4. I placed four foot-bridges on Noble and Huron streets.
5. I opened the gutters on Liberty street, between the Central railroad and Georgia street.
6. I cleaned the gutters on Georgia street, between Noble and East streets.
7. I filled two gutters on Tennessee street, at the intersection of St. Clair street, with cinders.
8. I filled around the cistern on Tennessee and Termont streets with cinders.
9. I filled around the cistern on Davidson and Vermont streets.
10. I filled around the cistern on Walnut and New Jersey streets.
11. I cleaned gutters on Michigan street, between Alabama and Meridian streets.
12. I filled the crossings with cinders on Ohio and Delaware streets.

13. I filled the crossings with cinders on Walnut and Tennessee streets.
14. I cleaned Washington street, between Delaware and Illinois streets.
15. I cleaned the gutters on Illinois street, between Ohio and Washington streets.
16. I cleaned the gutters on Pennsylvania street, between Market and Washington streets.
17. I built a bridge on Pennsylvania street across Pogue's Run, the entire width.
18. I cleaned Virginia Avenue, between Washington street and Pogue's Run.
19. I cleaned Delaware street, between Washington street and Pogue's Run.
20. I hauled 706 yards of gravel on the Michigan Road, between Indiana Avenue and corporation line.
21. I built a culvert on Delaware street, at the intersection of Vermont street.
22. I built a culvert on Meridian street, at the intersection of North street, the full width.
23. I repaired culvert on south Illinois street.

I have on hand between eleven and twelve thousand feet of lumber.

All is respectfully submitted,

AUGUST RICHTER, *Street Commissioner.*

On motion, the reports were accepted and approved.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, December 20, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that the petition of D. B. Fatout, to gravel the sidewalk in front of his property on Fletcher Avenue, be refused, as there is an ordinance already passed, for the gravelling of the same.

Also, in relation to the mud hole on St. Joseph street, just east of Meridian, (complained of by W. Armstrong) we would report that there is an ordinance now before the Council to be taken up at the first meeting in February and passed. The passage of the ordinance will come soon enough to abate the nuisance and drain the street.

Also, in relation to the motion to have the Street Commissioner clean the gutters on East street, between Virginia Avenue and McCarty street, we would recommend that the motion lay on the table for the present, as the ground is frozen and no work of that kind can now be done.

We find that Joseph Kruger is the lowest bidder to pave the south sidewalk of Washington street, between Alabama and New Jersey streets. His bid being \$1.00 per superficial yard.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*  
W. CLINTON THOMPSON. }

Which, on motion, was concurred in, and the contract awarded to Joseph Kruger, as recommended by the Board.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, January 3, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body, that they have

communicated to the President and Directors of the Indiana Central Railway Company, the opinion of the City Attorney in reference to their liability for the East street bridge across Pogue's Run, and have made demand of the amount expended by the city for necessary repairs thereon. We have not yet received an answer.

HENRY COBURN,  
A. SEIDENSTICKER,  
W. CLINTON THOMPSON, } *Committee.*

Which, on motion, was accepted and approved.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 3, 1866.* }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body, that permission be not granted to McKernan, Pierce and Yandes to fill in at the ends of the bridge on Ray street where it crosses the Canal, from dirt taken from the high points on said street, for the reason that there is none to spare for such purpose. The Engineer suggests that dirt can be had at the lower end of Tennessee street, near the corporation line. We would recommend that he be instructed to make a survey, and if any surplus earth is found at that point, that they be allowed to fill up at the bridge at their own expense.

HENRY COBURN,  
AD. SEIDENSTICKER,  
W. CLINTON THOMPSON. } *Board.*

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 3, 1866.* }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your Honorable Body that, in relation to the petition of James B. Wilson and others, to have the alley running north and south through out-lot No. 170 graded and graveled, we find a remonstrance against its improvement, and as two-thirds have failed to petition for it, we recommend that the prayer of the petitioners be not granted.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 3, 1865.* }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your Honorable Body that, in their opinion a radical change of the system of street improvements, such as is contemplated by the "ordinance regulating the repairs of streets, alleys, sidewalks, bridges," etc., is not advisable, for the reason, that every repair costing above \$50.00 would require a delay from 6 to 7 weeks before it could pass to its final consideration. The provision in reference to the pay roll of the Street Commissioner and the payment of his hands, etc., by the City Treasurer, commends itself to our favor, but it is only secondary to the ordi-

nance and we did not deem it proper to amend said ordinance and therefore report the same back without amendment for a direct expression of opinion of the Council in reference to the merits of the same.

Respectfully,

H. COBURN,  
W. CLINTON THOMPSON, } *Board.*  
AD. SEIDENSTICKER,

On motion of Mr. Brown, the report and ordinance were postponed for the present.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 3, 1866.* }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your Honorable Body, that according to instructions from the Council we instructed the Civil Engineer to re-advertise for the new bridge over the Canal at St. Clair street. Bids to be received this evening.

A formal demand has been made by the Street Commissioners on the Agent of the Canal Co., to repair the bridges over their Canal at the following points: National road and arm of Canal, Market, Ohio, New York and North streets. At first the Agent said that he could not do it at present, but he has since said that he will not even notify the company that such a demand has been made on them. We are now satisfied that nothing will be done by the Canal Company to keep up the bridges until compelled to do so.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*  
W. CLINTON THOMPSON,

By Mr. Seidensticker :

WHEREAS, The Agent of the Canal Company has refused to repair the bridges across the Canal, which needs repairing; therefore,

*Be it resolved,* That the Street Commissioner be instructed to repair Market and North street bridge across the Canal, also to re-cover Ohio and New York street bridges, and to keep and report accounts of the expenses of all said repairs separately.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—16. Noes, none.

So the resolution passed.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 3, 1866.* }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that the motion to have a culvert at the intersection of Bates and Cady streets is

unnecessary. Foot bridges have been put there, and a ditch dug so as to let the water off the street and down the Cincinnati railroad track.

HENRY COBURN,  
AD. SEIDENSTICKER,  
W. CLINTON THOMPSON, } *Board.*

Which, on motion, was accepted and approved.

By Mr. Coburn, from the Board of Public Improvements:

INDIANAPOLIS, January 1, 1866.

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

GENTLEMEN:—As we have just closed the labors of another year, and as business men are everywhere pausing to settle up accounts and start anew, looking over what has been done in the way of loss and gain, the Board of Public Improvements, in accordance with a general desire of a number of citizens, would respectfully submit the following hastily gotten up report of what we, as a city, have been doing in the way of public and private improvements the past year. The estimates will closely approach the truth, since the system of permits requires enough of particularity in these matters to base reliable calculations upon the figures obtained by it. The number of buildings will over-run those of the permits, since, in many instances, a single permit was issued for a block or row of buildings, each one of which would cost thousands of dollars.

The estimated cost is generally less than the actual outlay to complete a building, so that the Board feel assured their figures fall far below rather than exaggerate the true state of the facts. As the former Board, on retiring in the spring, made no report of the operations of the current year up to the date of retirement, we have reviewed a portion of the time during which they were acting, back to the 1st of January, 1865.

Quite a number of the costliest buildings erected this season were upon permits obtained in the year 1864, such as Alword's large stone front block on South Meridian street, Miller's block on North Illinois street, Browning's handsome stone front on Washington street, Hasselman's splendid residence on North Meridian Street, Chapel of the First Presbyterian Church on New York street, Geisendorff's large Merchant Mills near the river, and a number of less value.

About one hundred and fifty buildings have been erected outside of the corporation in the different additions adjoining the city. These we have estimated at \$200,000. This is low, as some are large and costly, the buildings at the arsenal costing nearly half that amount.

Permits have been issued as follows:

For new houses.....	638, costing.....	\$1,167,658
Repairs, additions, stables, &c.....	663, costing.....	192,267
Estimated number of houses outside of corporation—150, costing.....		200,000
Houses built this year, for which permits were obtained in 1864.....	20, costing.....	300,000
Making the total number of houses built.....		1,471.....
		\$1,859,925

From this should be deducted about \$110,000 for buildings that only got their foundations in this fall, leaving \$1,750,000 as the amount expended in improvements this year.

#### CHARACTER OF BUILDINGS.

Of this number eighty permits were for business houses and blocks, quite a number containing two, three, four, and one ten business rooms.

Permits for six churches have been issued. Trinity Church, corner North

and Alabama streets, costing about \$24,000; Chapel of First Presbyterian Church, costing \$20,000; Jewish Synagogue, costing \$25,000.

Also, for four large school houses. The two three-story brick, one on South Delaware street and the other on Georgia street, were built by the Catholics, and were estimated to cost \$20,000 each. Also, two houses, one in the 9th, the other in the 4th ward, for free schools, and to cost, when complete, \$24,000 each. The Baptist Female Institute have built a large and handsome addition, costing \$20,000. Many of the private residences are costly and handsome.

STREET IMPROVEMENTS—GRADING AND GRAVELING.

Ordinances have been passed for the improvement of nine miles and one square of graveled streets. Eighteen miles and two squares of single sidewalks. But as the season was so wet, and the streams so high, that after July no bid could be obtained, two miles of streets and four of sidewalks, which were intended to be improved, will have to lay over until next season. Leaving seven miles of streets and eighteen miles and two squares of gravel sidewalks finished this year. One mile and one square of bouldering has been done. Four miles and two squares of brick pavement has been laid down. Three miles and one square of lamp posts and fixtures have been erected, and one mile of alleys graded and graveled.

To the building of culverts, laying of foot-bridges, cleaning and repairing of streets, filling of crossings and repairing of bridges, we would refer you to the monthly reports of the Street Commissioner. We bear cheerful testimony to the energetic and faithful services of this officer.

HENRY COBURN,

*Chairman Board of Public Improvements.*

Which, on motion, was accepted and approved.

By Dr. Jameson, from Finance Committee :

INDIANAPOLIS, January 8, 1866.

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

The Committee on Finance, to whom was referred the petition of G. W. Allred in relation to refunding taxes, presented to Council December 18, 1865, would respectfully report and recommend that the prayer of the petitioner be granted, and the Committee on Accounts directed to report an ordinance making the necessary appropriation.

P. H. JAMESON, }  
C. F. SCHMIDT, } *Committee.*

Which, on motion, was concurred in.

By Dr. Jameson, from Finance Committee :

INDIANAPOLIS, January 8, 1866.

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

The Committee on Finance, to whom was referred the petition of George F. Meyer, presented to Council December 18, 1865, would respectfully report and recommend that the prayer of the petitioner be granted, and that the Committee on Accounts be directed to report an ordinance making an appropriation for the sum of the penalty and interest on taxes of petitioner.

P. H. JAMESON, }  
C. F. SCHMIDT, } *Committee.*

Which, on motion, was concurred in.

By Mr. Brown, from Committee on Streets and Alleys :

INDIANAPOLIS, January 8, 1866.

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

The Committee on Streets and Alleys, to whom was referred the report of the Civil Engineer, presented to the Common Council on the 18th of December, 1865, report that the profile of McCarty street, between East street and Virginia Avenue, presented to the Common Council by the Civil Engineer, was adopted by the Council at its meeting on the 25th of September, 1865.

AUSTIN H. BROWN,

*Chairman Committee on Streets and Alleys.*

Which, on motion, was concurred in.

By Mr. Brown, from Committee on Streets and Alleys :

INDIANAPOLIS, December 23, 1865.

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

The Committee on Streets and Alleys, to whom was referred the report of the late City Engineer, beg leave to report that the contractor for Meek street seems to have made a very good street, and, therefore, recommend that an estimate be allowed him for the work.

AUSTIN H. BROWN,

*Chairman Committee on Streets and Alleys.*

Which, on motion, was laid upon the table.

By Mr. Brown, from Committee on Streets and Alleys :

INDIANAPOLIS, December 23, 1865.

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

The Committee on Streets and Alleys, to whom was referred the petition of John Heim and others, asking the privilege of erecting Hay Scales on South Alabama street, report adversely to granting the prayer of the petitioners.

AUSTIN H. BROWN,

*Chairman Committee on Streets and Alleys.*

Which, on motion, was concurred in.

By Mr. Brown, from Committee on Streets and Alleys :

INDIANAPOLIS, January 8, 1866

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

The Committee on Streets and Alleys, to whom was referred the petition of P. R. Spenser, would recommend that the prayer of the petitioner be granted.

AUSTIN H. BROWN,

*Chairman Committee on Streets and Alleys.*

Which, on motion, was concurred in.

By Mr. Allen, from Committee on Fire Department :

INDIANAPOLIS, January 8, 1866.

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

The Committee on Fire Department, to whom was referred the report of Chief Fire Engineer, Richmann, would report they have examined the same and find it correct. Respectfully submitted,

WILLIAM ALLEN, }  
J. A. GROSVENOR, } *Committee.*

Which, on motion, was concurred in, and the report of the Chief Fire Engineer accepted and approved.

By Dr. Jameson, from Committee on Printing and Stationery :

INDIANAPOLIS, January 8, 1866.

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

GENTLEMEN:—The Committee on Printing and Stationery herewith report accounts of City Printer for quarter ending December 31st, 1865, with full vouchers, and would respectfully recommend the payment of the same. The committee have obtained a reduction of fifty cents per page, for the present quarter, on the price heretofore paid for printing the minutes of the Council. Your committee would recommend that all general ordinances hereafter be advertised in the *Weekly State Journal*, with not more than one insertion in the *Daily Journal*, which latter shall be at the option of the Committee.

P. H. JAMESON, }  
WM. BOAZ, } *Committee.*  
CHAS. GLAZIER, }

AN ORDINANCE appropriating money for the payment of the City Printer.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of one thousand seven hundred and twenty dollars and twenty-three cents is hereby appropriated for the payment of the City Printer, and that the City Clerk be directed to issue orders from said appropriation in favor of Douglass & Conner, the Daily Telegraph Company and *Free Press*, J. H. Vajen & Co., and Merrill & Co. for amounts equal to their several accounts for printing and stationery for quarter ending December 31st, 1865.

SEC. 2. This ordinance shall take effect and be in force from and after its passage.

Ordained and established this 8th day of January, 1866.

JOHN CAVEN, *Mayor.*

Attest :

C. S. BUTTERFIELD, *City Clerk.*

The ordinance was read the first and second times.

Dr. Jameson moved that the rules be suspended and the ordinance read the third time and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes,

Loomis, MacArthur, Schmidt, Seidensticker and Staub—16. Noes; none.

So the rules were suspended and the ordinance read the third time and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—16. Noes, none.

So the ordinance passed.

The City Clerk reported the official bond of James Wood, as Civil Engineer, in the penal sum of fifteen hundred dollars, giving as sureties H. H. Lee, Henry Allen, James Stewart and R. B. Emerson.

Which, on motion, was accepted and approved.

From the Civil Engineer—Report :

INDIANAPOLIS, January 8, 1866.

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

The Civil Engineer would respectfully report that Michael Shea, the contractor for grading and graveling St. Clair street and sidewalks, has completed the same according to contract.

First and final estimate in his favor is herewith submitted for your approval.

Bids for various street improvements are also submitted.

JAMES WOOD, *Civil Engineer.*

*Resolved,* That the first and final estimate allowed Michael Shea for grading and graveling St. Clair street and sidewalks, between East and Meridian streets, be and the same is hereby adopted as the estimate of the 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 Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—16. Noes, none.

So the resolution passed.

On motion, the sealed proposals reported by the Civil Engineer were referred to the Board of Public Improvements.

On motion, the bid of C. E. Harris was laid upon the table.

The Civil Engineer also reported the following specifications for the bridge over the Canal at the St. Clair street crossing, to-wit:

SPECIFICATIONS FOR BUILDING A BRIDGE OVER THE CANAL AT ITS CROSSING WITH ST. CLAIR STREETS.

Two double bents, one on either side of the canal, composed of timber of the following dimensions, to-wit:

Two mud sills, in each bent, 25 feet in length; two caps, in each bent, 20 feet in length; six posts, 5 feet in length, exclusive of tenor; six cross ties, in each bent, 1 foot 6 inches in length; four braces, two at either end of bent, 6 by 8 inches; seven stringers, 40 feet in length, 14 by 6 inches in depth in the centre, tapering to 1 foot by 6 inches at either end; stringers to be continued from bents to bank of the canal, resting on a mud sill on either bank, said continuation of stringers to be 6 by 12 inches; mud sills, 10 by 12 inches; two longitudinal braces on each side of bridge, 8 by 8 inches; stretchers 10 ft in length between braces, 8 by 8 inches, braces to be framed in the same manner as foot bridge on the canal at its crossing with Washington street; two under braces, 8 by 8 inches, and 30 feet in length; two braces on either side of bridge from under braces to hand rail, framed into under brace and hand rail in a proper manner; two 1½ inch iron rods on each side of bridge passing through under braces and stringer, with 2½ inch washers at either end of both, with thread and nut at one end and square head at the other; 1 inch iron bolts passing through at the lower end of longitudinal braces and stringer, with 2½ inch washers at either end of both, with thread and nut at one end and square head at the other; bannisters every six feet apart, 3½ feet in length and 4 by 6 inches; hand rail 4 by 6 inches, and to be smoothly dressed and rounded at the top; flooring 2½ inches in thickness, no plank used in flooring to exceed 10 inches in width and to be nailed down with two 4½ inch spikes at the crossing of the planks with each stringer; all timber used in the construction of this bridge to be the best quality of white or burr oak; all the old bridge to be removed by the Street Commissioner, and in such time that the work on the new may not be delayed; all necessary excavations for the reception of the bents and mud sills to be made by the contractor; bids to be given by contractors for the amount they will take to build the bridge as described in the foregoing specifications; the contractor to furnish all necessary material and labor for the completion of said work; payment for the same to be made in city orders or city bonds, payable in two years at six per cent. interest; all work to be done in a proper and workmanlike manner and to the satisfaction of the City Civil Engineer.

JAMES WOOD, *Civil Engineer.*

Which, on motion, was received.

From the City Attorney—Report:

INDIANAPOLIS, January 8, 1866.

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

GENTLEMEN:—In reference to the questions presented by the communication of Mr. Hugo Marmont, I submit the following opinion:

To make the city liable for the work alleged by Mr. Marmont, to have been done by him it is necessary that he should show that he was requested to do the work by some authorized agent of the city. There is no legal liability for acts done by one for the benefit of another, unless they were performed upon the request of the party benefitted. So far as I can ascertain from the records of the Council, there was no request upon the part of the city, and the city ought not to be held legally liable.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which, on motion, was concurred in.

From the City Attorney—Report :

INDIANAPOLIS, January 8, 1866.

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

GENTLEMEN:—I have examined the questions presented by the communication of David Seibert and respectfully report :

If the ground mentioned in Mr. Seibert's communication is the same as that described in the contract made with the city, there is no necessity for any new contract. Under the contract set forth on page 251 of the revised ordinances, the city has the right to the possession of said real estate for fourteen years from the 14th day of April, 1860.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which, on motion, was concurred in.

From the City Clerk—Report :

OFFICE OF CITY CLERK,  
Indianapolis, Jan. 8, 1866. }

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

GENTLEMEN:—I would respectfully report that affidavits have been filed with me for the collection of street assessment by precept as follows, to-wit :

James Stewart against Benjamin Garrett, for	- - - - -	\$74 74
William Kown against Margaret R. Carmichael, for	- - - - -	741 82
James Stewart against George W. Pitts, for	- - - - -	74 00
C. E. Whitsit against N. B. Palmer, for	- - - - -	257 85
C. E. Whitsit against Peter J. Rheinhardt, for	- - - - -	58 05
C. E. Whitsit against John G. Kistner, for	- - - - -	52 70
John Stumph against James M. Patterson, for	- - - - -	149 04
John Stumph against James Devor, for	- - - - -	83 98

And would respectfully recommend that you order Precepts to be issued.

Respectfully submitted,

C. S. BUTTERFIELD, *City Clerk.*

Which, on motion, was concurred in and Precepts ordered.

From the City Sexton—Report :

INDIANAPOLIS, January 8, 1866.

To the Common Council of the City of Indianapolis :

Report of the Sexton for the month ending December 31, 1865 :

NO. OF INTERMENTS.	
Under 1 year old.....	4
1 to 5 years.....	24
5 to 10 years.....	1
10 to 20 years.....	3
20 to 30 years.....	9
30 to 40 years.....	3
40 to 50 years.....	5
60 to 70 years.....	2
80 to 90 years.....	1
Total.....	52

Number for the year 1865..... 1,063

G. W. ALLRED, *Sexton.*

Which was received.

## UNFINISHED BUSINESS.

By Dr. Jameson—Petition :

INDIANAPOLIS, January 8, 1866.

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

GENTLEMEN:—The undersigned would represent that in making his statement of taxable property to the Assessor for 1865, notes were put in *at their face*, to the amount of \$37,800, said notes running 6, 12, 18, 24, 30 and 36 months from December 31st, 1864, and none of them drawing interest for one year, the *amount* of the notes being put in, while their *value* should have been given. By a correct calculation, it is found the *value* of those notes January 1, 1865, (considering money worth 10 per cent. interest, which is as low as it can usually be raised, on good paper,) was only \$33,860, making a difference of \$3,940; and your petitioner asks that this amount be deducted from the amount returned by him for taxation.

All of which is respectfully submitted,

E. C. MAYHEW.

Which, on motion, was referred to the Finance Committee.

By Mr. Boaz—Petition :

INDIANAPOLIS, January 8, 1866.

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

GENTLEMEN:—The undersigned asks your honorable body to direct your City Clerk to issue him an Auctioneer's License for three months, on presentation of a receipt from the City Treasurer for the amount required under your ordinance, and as in duty bound your petitioner will ever pray.

OWEN MCGINNIS,  
No. 39 East Washington street.

On motion, the prayer of the petitioner was granted.

By Mr. Kappes—Petition :

INDIANAPOLIS, January 8, 1866.

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

The undersigned petitioning for relief, represents, that on May 15th, 1865, a petition was presented to the Council, by Mr. Coburn, one of its members, signed by John W. Hamilton and Samuel Lamb, who thereby represented that it would be for the public benefit and convenience "to have Pratt street extending through out lot 174, in the city of Indianapolis, increased in width thirty feet," (see p. 14;) that afterwards, at the session of the Council held October 2d, 1865, certain so-called commissioners, through the City Clerk, made a report dated September 23d, 1865, "on petition of John W. Hamilton and Samuel Lamb to open Pratt street between Delaware and Alabama streets," stating that "the prayer of the petitioners is that said street be increased in width to sixty feet by taking a strip thirty feet in width off of the north side of out lot No. 174, owned by the heirs of James Loman, deceased," and finding "the present width of said Pratt street to be thirty feet, taken off of out lot 175," and adjudging that the public interests require said street to be opened to sixty feet, and for that purpose a strip thirty feet in width be taken off of the north side of out lot No. 174," and estimating the value of said thirty feet of ground at \$1,650, and that the increasing of the width of said street benefitted the residue of said out lot 174 to the amount of \$1,650, and making no award of damages, (Council Proceedings, p. 305;) that the Council accepted and approved the report, and ordered "the said street to be

laid out and widened as petitioned for," (p. 306;) and the Clerk adds in the report of the proceedings: "So the report was accepted and approved, and Pratt street, between Delaware and Alabama streets, declared laid out and opened to width of sixty feet as a public street of the city of Indianapolis;" that the City Clerk reported that the property owners were all properly notified of the meetings of the commissioners to appraise damages, &c., as directed by law. (p. 303.)

And your petitioner further represents: that it is not true that the thirty feet in width of Pratt street as heretofore existing was taken off of out lot 175, as reported by said commissioners, but on the contrary ten feet thereof was originally laid open off of out lot 174; that thirty feet off of the north side of out lot No. 174 between Delaware and Alabama streets are worth at least \$50 per front foot on said streets, viz: \$3,000; that though said commissioners report that the said out lot 174 is "owned by the heirs of James Loman, deceased," the City Clerk issued no notice to said heirs, nor was any such notice served on "the heirs of James Loman, deceased," of the meeting of said commissioners to award damages, though your petitioner is informed a notice to her is alleged to have been left at her residence, which notice she then understood to be some sort of petition which it was desired she should sign or assent to; that said report of said commissioners does not specify the name or names of the owners of the "residue of out lot No. 174," and the proportion of benefits received by such owners, in fact gives *no name of the owner* of that "residue," from which they take half a street at half price, and balance accounts, as they were required by statute, (see sec. 61, p. 27, City Charter;) nor does said report specify the proportion of benefits and damages sustained by each of the owners—the "heirs of James Loman, deceased;" nor, after finding the value of the strip of thirty feet, does it find "what part thereof, if any, ought to be borne by the city," as provided by the Charter. (See sec. 61. *First. Second.*)

The value of the real estate is separate from, and another and distinct estimate from that of damage and benefit to real estate, and the report should follow the Charter and the requirements of each of the three subdivisions of section 61. It has not done so.

And further: that the first information of any action before, or had by the Council as to the widening said street, was the tearing down, by some city officer, of the north fence inclosing the south part of out lot 174, and bounding the south side of Pratt street, between Delaware and Alabama streets; that your petitioner is the widow and one of the heirs of James Loman, deceased, and is owner of the said south part of out lot 174, and has been sick and infirm, unable to attend to business for a long time and during the entire proceeding had under said petition, and now remaining so, is only able to present her grievances by attorney, and ask a reconsideration of the said order opening said street by taking said thirty feet of ground off the north side of out lot 174, and that your petitioner be allowed to present evidence to the Council, a committee, or lawfully appointed commissioners, of the value of said ground, the damage to her as one of said heirs, the amount of ground originally taken from the north side of said out lot and forming part of Pratt street, and that neither of the petitioners ever contributed one inch of ground to the width of said street, and further, that there can be no order widening Pratt street "*as petitioned for*," as no notice of meeting of commissioners has ever been given to the owners of lots extending through that part of out lot 174 on Pratt street, between Alabama street and Fort Wayne Avenue; and further, said commissioners could make no lawful award and report because their term of appointment, of one year, by the Court of Common Pleas, had expired, and they were not legal commissioners.

This action is had by your petitioner, because she did not know of the report of the commissioners, that she might appeal therefrom, and, as the order of the Council opening said street is a condemnation of her ground without paying therefor, and without in fact giving her a fair opportunity to

show cause why said street should not be opened, or to prove the value of her property, she hopes that the technical rules of law may only be applied after you have given her a hearing.

NANCY LOMAN,  
by JOHN S. TARKINGTON, *her Att'y.*

Which, on motion, was referred to the Judiciary Committee.

On motion, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seideusticker and Staub—16.

JOHN CAVEN, *Mayor.*

ATTEST:

C. S. BUTTERFIELD, *City Clerk.*