

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, FEBRUARY 12TH, 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, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15.

Absent—Councilmen Fletcher, Glazier and Lefever—3.

The proceedings of the regular session, held February 5th, 1866, were read and approved.

By Mr. Brown—Petition :

INDIANAPOLIS, December 6, 1865.

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

Your petitioners, Sarah Coburn, Robert P. Bence, Caroline Bence, John Coburn, Henry Coburn, Mary Coburn, John Coburn, Jr., Rufus Coburn, Henry Coburn, Jr., Irving Coburn, and Augusta Coburn, would respectfully represent that they are the proprietors of lots numbered —, in the sub-division of out-lot No. 182, a plat of which is filed herewith, in the City of Indianapolis, and State of Indiana. They further say, that lots numbered 6, 7, 8, 9, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, in said out-lot, front on Curve street, which is a street laid off

exclusively in said out-lot, and runs from Massachusetts Avenue west to out-lot 181, where it terminates. The street was laid out and opened for the purpose of making a way on each side of the Bellefontaine Railroad track into the building erected for a depot on out-lot No. 181. The said depot is removed, and the lot is sold for private uses and purposes, the track is torn up, and the way to the depot abandoned for railroad purposes. The street is now of no use whatever as a public way, since the lots adjoining can all be fronted east and west, and on Massachusetts Avenue to a better advantage, and an alley will subserve every purpose by affording access to the rear of the lots bordering on Curve street. The entire street from out-lot 181 to Oak street, for a distance of eighty feet, is useless as a street and an alley, having Plum street in part in the rear. The part of the street running from Oak to Ash street is two hundred and ten feet (210) long, and an alley twelve (12) feet wide is sufficient there. East of Ash street this (Curve) street in part becomes merged in Massachusetts Avenue, and cuts off a small strip in front of lots 37, 38, 39 and 40, and is of no use whatever to the public, and extends thus a distance of 100 feet, and should be vacated entirely. Said street is eighty feet in width.

Your petitioners represent that lots numbered 6, 7, 8, 9, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 belong to them as tenants in common. That the south end of lots 21, 22 and 23 belong to Elizabeth Brookman, formerly Beynon. That lot numbered 13 belongs to Jacob Hoss, Sr., and lots numbered 14, 15, 16, 17, 18, 19 and 20 belong to George W. Brown, all in fee simple. The said street, at its west end, on the line of out-lot No. 181, terminates against Plum street and a five acre lot of ground belonging to one Stanley F. Tebbs, in fee simple, these being all the lots fronting upon and adjoining the said street.

Your petitioners, therefore, ask that the said Curve street be vacated from the east line of out-lot No. 181 to Oak street, and that it be vacated from Oak to Ash street, except an alley twelve (12) feet in width in the center thereof; and from Ash street to Massachusetts Avenue it be vacated. And for other proper relief.

Sarah Coburn,
Robt. F. Bence,
Caroline Bence,

Henry Coburn,
John Coburn,
And 10 others.

Which, on motion, was referred to the Committee on Streets and Alleys.

By Mr. Staub—Petition:

INDIANAPOLIS, February 12, 1866.

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

The undersigned residents and owners of lots fronting on Washington and Market streets, between Liberty and Noble streets, in said city of Indianapolis, respectfully represent that the inclusion of said lots within said boundaries in the limits where wooden buildings and additions are prohibited being erected is a great hardship and burden on the owners thereof, because a large majority of the buildings and structures within said boundaries are of wood, many of which need to be added to or changed, and we are prevented from making any additions or alterations, and from putting up any new structures of any kind, unless we tear down and remove those now in use, and which, without much expense, could be made to last for years to come, and put up brick additions or buildings, which entails a very great expense, and which few are able to do; and beside we believe that the inclusion of said lots in said boundaries in which wooden buildings, structures, and additions are prohibited being erected, is wholly unnecessary at the present time, and for some years to come.

The undersigned therefore respectfully ask your honorable body to repeal

so much of the ordinance on that subject as includes said lots within the boundaries aforesaid within the limits wherein wooden buildings and additions are prohibited being erected.

E. C. Brundage,
Daniel Thayer,
Charles Kuetemeier,

Valentine Schaaf,
Edward Mueller,
And 6 others.

Which, on motion, was referred to Councilmen Seidensticker and Staub.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, February 12, 1866.

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

The undersigned respectfully represents, that on this year's tax list he is assessed with \$565 personal property, while his assessment list given by him, and the actual amount of his personal property, is only \$70. He respectfully asks for the correction of this mistake, and the refunding of the amount overpaid by him.

A. SCHILDMEIER.

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

By Mr. Loomis—Petition :

INDIANAPOLIS, February 12, 1866.

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

The undersigned property holders on Walter street respectfully petition your honorable body to cause the opening of said street from its present northern terminus to Stevens street, in the same width as the other part of said street, to wit: 60 feet. And we would respectfully show, that for this purpose it is only necessary to appropriate one lot 45 feet wide, which, with an adjoining alley, would give the 60 feet for the street, as will more particularly appear from the plat filed herewith, to which we respectfully refer for all particulars.

Henry Seibert,
William H. Belcher,
Fred. Hillman,

Charles Hillman,
Fred. Schawe,
And 5 others.

Which, on motion, was referred to the Committee on Streets and Alleys.

By Dr. Thompson—Petition :

INDIANAPOLIS, February 12, 1866.

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

GENTLEMEN:—The undersigned petitioner respectfully asks permission to grade and gravel the south half of Walnut street and sidewalk, from the corner of Tennessee street to a point one hundred and fifty-five feet east, at his own personal expense and subject to the direction of the Civil Engineer; the said work being in front of property owned by myself and mother.

Respectfully yours,

THOMAS J. VATER.

Which, on motion, was referred to the Committee on Streets and Alleys.

By Mr. Allen—Petition :

INDIANAPOLIS, February 12, 1866.

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

GENTLEMEN:—We, the undersigned employes in the fire department, respectfully petition your honorable body for an increase of pay for our services in the fire department, as at the present depreciation of city warrants the pay is not sufficient to support our families. And as in duty bound your petitioners will ever pray, &c.

William Dawson,
John Marshal,
Andrew Chery,
J. R. McDaniel,
Orrin Tuttle,

William McDougal,
George M. Bishop,
James L. Bishop,
W. F. Little,
E. H. Webster.

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

By Mr. Brown—Petition :

INDIANAPOLIS, February 5, 1866.

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

The undersigned, citizens of Indianapolis, who own business establishments on the west side of the south-west corner of Pennsylvania and Washington streets, would respectfully represent to your honorable body that the placing of drays in front of their places of business, which is the custom at present, does badly interfere with the convenience of such business men, while the taking of their position on the opposite side would be just as convenient to the respective draymen, and would not interfere with any body, as there is no business establishment of any kind whatever on that side. Wherefore, the undersigned petitioners do respectfully pray that the Common Council shall, at any time convenient, issue an order removing such drays to the east side of Pennsylvania, south of Washington street.

Very respectfully.

Joseph Wert,
N. Jose,

Israel Wilson,
Sharp & Yandes.

Which, on motion, was referred to Special Committee, consisting of Councilmen Boaz and Brown.

By His Honor, Mayor Caven—Petition :

INDIANAPOLIS, February 10, 1866.

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

The undersigned, citizens of Indianapolis, respectfully petition that the House of Refuge, in process of erection on the Fletcher donation, shall remain permanently the property of the city, and subject to its control, and that a Board of Guardians shall be appointed by the Common Council who shall, under your direction, complete the building, and be responsible to you for the judicious management of the affairs of this important charity.

James M. Ray,
Wm. S. Hubbard,
W. N. Jackson,
Calvin Fletcher, Sr.,
D. S. Beaty,
J. M. W. Langsdale,
John S. Spann,
Thos. B. Elliott,
Wm. H. Morrison,

Wm. Hannaman,
John Coburn,
Deloss Root,
Wm. Y. Wiley,
T. A. Goodwin,
James H. Turner,
J. H. Woodburn,
George Tousey,
Theo. P. Haughey,

John W. Holland,
Alfred Harrison,
J. C. S. Harrison,
Wm. J. H. Robinson,
Wm. Wallace,
W. W. Leathers,
Geo. H. Chapman,
Benj. Harrison.

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

Mr. Brown introduced general ordinance No. 35, entitled :

AN ORDINANCE regulating the cleaning of streets, alleys, sidewalks, and gutters, and the removal from the city of offal and unwholesome animal or vegetable matter, and providing for the assessment and collection of the costs of such cleaning and removal,

Which was read the first time, and, on motion, referred to the City Attorney.

Mr. Brown introduced general ordinance No. 36, entitled :

AN ORDINANCE creating a Board of Police, and authorizing such Board to appoint all the officers and members of the Police of the city, and empowering such Board to remove from office, for good cause, any officer or member of such Police,

Which was read the first and second times, and, on motion, was referred to the Committee on Police.

Mr. Seidensticker introduced special ordinance No. 2—1866, entitled :

AN ORDINANCE to provide for the grading and graveling of Washington street from Noble street to the corporation line, east,

Which was read the first time by its title; and, on motion, was read the second time.

Mr. Seidensticker then moved that rules numbered 19 and 24 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, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. 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, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the ordinance passed.

Mr. Loomis introduced general ordinance No. 37, entitled :

A SPECIAL ORDINANCE granting an annual licence to the Indianapolis Tabernacle Association to exhibit concerts, &c., in the City of Indianapolis,

Which was read the first and second times,

Mr. Loomis then 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, Colley, Emerson, Grosvenor, Jameson, Kappes, Loomis, Seidensticker, Staub and Thompson—11.

Those who voted in the negative were Councilmen Brown, Coburn, MacArthur and Schmidt—4.

So the rules were not suspended, there not being a two-third vote in the affirmative.

His Honor, the Mayor, offered the following ordinance :

AN ORDINANCE appropriating money to pay the purchase money of the tract of land bought for the purpose of a Pest House, and for fuel furnished the city offices.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of twenty-five hundred dollars be and is hereby appropriated for the purpose of paying the purchase money due James H. McKernan for real estate purchased of him for the purpose of a Pest House. The Clerk is hereby directed to draw an order on the Treasurer for the aforesaid sum in favor of James H. McKernan. The further sum of seventy-five dollars is hereby appropriated for the payment of the claim for fuel furnished the city offices. The Clerk is hereby directed to draw an order on the Treasurer for said sum in favor of John Unversaw.

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

Which was read the first and second times.

Mr. Kappes then 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, Grosvenor, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

Councilman Loomis voting in the negative—1.

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, Grosvenor, Jameson, Kappes, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

Councilman Loomis voting in the negative—1.

So the ordinance passed.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, February 12, 1866. }

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

GENTLEMEN:—The Board of Public Improvement, to whom was referred the bids for a bridge over Pogue's run, on Ohio street, would report that Denney & Carter are the lowest bidders, their bid being \$565. The Street Commissioner has made an estimate on the bridge and says, that by using the remains of the St. Clair bridge, he can do it for \$248 less.

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

On motion, the report was received and the bids rejected.

Mr. Brown then moved—

That the Street Commissioner be, and is hereby, directed to build a bridge over Pogue's Run at the crossing of Ohio street, under the direction of the Board of Public Improvements.

Which motion prevailed.

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

INDIANAPOLIS, February 12, 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 Sarah Coburn and others, beg leave to report that the prayer of the petitioners ought to be granted.

AUSTIN H. BROWN,
Chairman Committee on Streets and Alleys.

Now come the petitioners, Robert F. Bence, Caroline Bence, Henry Coburn, jr., Irving Coburn and Augusta Coburn, and suggest the John Coburn, Henry Coburn, Mary Coburn, John Coburn, jr., Rufus Coburn, death of Sarah Coburn since the pendency of this petition, and that they are her heirs and prove that the notice required by law for the vacation of Curve street has been duly published in the Indiana State Journal a weekly newspaper printed in the city of Indianapolis, and had been duly posted in three of the most public places in the neighborhood of, and near to, the said Curve street of the pendency of the petition for the vacation of said street since the eleventh day of December, 1865, which proof is as follows, to-wit :

STATE OF INDIANA, }
MARION COUNTY, } ss:

Personally appeared before the undersigned, A. C. Grooms, bookkeeper for the publishers of the Weekly Indiana State Journal, a newspaper, of general circulation, printed and published in the city of Indianapolis, in the county aforesaid, who being duly sworn, upon his oath saith, that the notice of which the attached is a true copy, was duly published in said paper for three (3) weeks successively, the first of which publication was on the 19th day of December, 1865, and the last on the 2d day of January, 1866.

ANSEL C. GROOMS.

Subscribed and sworn to before me, this 12th day of February, 1866.

CHARLES FISHER,
Justice of the Peace in and for Marion county, Indiana.

NOTICE is hereby given that Sarah Coburn, Robert F. Bence, Caroline Bence, John Coburn, Henry Coburn, Mary Coburn, John Coburn, jr., Henry Coburn, jr., Rufus Coburn, Irving Coburn and Augusta Coburn, have filed their petition in the office of the Clerk of the City Council of Indianapolis, State of Indiana, on the 11th day of December, 1865, asking for the vacation of all of Curve street, from the west line of out-lot No. 182, in the said city, east to Oak street, and all of said street east of Oak street to Massachusetts Avenue, except an alley twelve feet in width in the center thereof, running from Oak to Ash street, and that the same will be in due time presented for the action of the City Council thereon.

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| Sarah Coburn, | John Coburn, j., |
| Robert F. Bence, | Henry Coburn, jr., |
| Caroline Bence, | Rufus Coburn, |
| John Coburn, | Irving Coburn, |
| Henry Coburn, | Augusta Coburn, |
| Mary Coburn. | |

December 11th, 1865.

Personally appeared before the undersigned John Coburn, who being duly sworn, upon his oath says, that he posted the foregoing notice, in writing, in three of the most public places near to, and in the immediate neighborhood of Curve street, in the city of Indianapolis, more than thirty days before this day.

JOHN COBURN.

CHARLES FISHER,

Justice of the Peace in and for Marion county, Indiana.

And, also, file the written consent of all the persons owning the property immediately adjoining thereto, duly acknowledged as provided by law. And the said petitioners having proved duly their ownership of the premises named in the petition, it is therefore ordered that all of Curve street, west of Oak street, be vacated, and all of Curve street, between Oak and Ash streets, be vacated, except an alley in the center thereof twelve feet in width, and that all of Curve street, east of Ash street, be vacated.

On motion, the report of Committee was concurred in, and the order of vacation adopted by unanimous consent.

By Mr. Boaz, from Committee on Police :

INDIANAPOLIS, February 12, 1866.

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

GENTLEMEN:—The Committee on Police, to whom was referred the motion that police powers be granted to Peter Wilkins of the First Ward, respectfully report adversely to said motion.

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| WM. BOAZ, | } Committee. |
| J. H. KAPPES, | |
| HENRY COBURN, | |

Which, on motion, was concurred in.

By Mr. Kappes, from Committee on Benevolence :

INDIANAPOLIS, February 12, 1866.

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

GENTLEMEN:—The Committee on Benevolence, to whom was referred the Communication from Aug. Bessonies, respectfully report that they find the City Hospital buildings are not vacated, but are still used as a House for disabled Soldiers. Therefore, the committee cannot recommend a change of occupancy.

In reference to the proposition to purchase the grounds donated for House of Refuge for Females, and the improvements thereon, the committee would state that they learn that another proposition will be made by other parties, and, therefore, beg leave to report back the Communication referred for further action by the Council.

J. HENRY KAPPES,
W. CLINTON THOMPSON, } *Committee.*
W. H. LOOMIS,

On motion, the report was concurred in, and the matter laid over for one week.

By the City Clerk, from Select Committee :

INDIANAPOLIS, February 12, 1866.

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

Your committee, to whom was referred the ordinance fixing the salary and defining the duties of City Auditor and other city officers in connection therewith, would report that they have had the same under consideration and would refer it back to your honorable body with the following amendments :

1st. Amending section second, giving the Auditor two thousand dollars, and the fees of the office under the charter.

2d. Striking out all after the words "accrued interest thereon," in the eleventh line of section nine of said ordinance.

Hoping the recommendations will meet your approval, we are ever yours,

JOHN G. WATERS,
WM. H. CRAPT, } *Committee.*
C. S. BUTTERFIELD,

Also, from City Attorney, opinion on same subject :

INDIANAPOLIS, February 12, 1866.

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

GENTLEMEN:—I submit the following opinion respecting the salary of the City Auditor :

The Council cannot deprive the Auditor of the fees allowed him by the charter. Such salary as is allowed the Auditor, will be in addition to the fees provided by the charter.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which, on motion of Mr. Seidensticker, were received, and together with the ordinance, referred to Select Committee consisting of Councilmen Brown, Jameson and Kappes, and the City Attorney.

Mr. Brown moved—

That the City Attorney be requested to give his opinion as to whether the City Auditor is entitled to charge and receive fees from the city for services rendered the city by writing done upon the tax duplicates, records, and for filing papers, issuing orders, &c.

Which motion was adopted.

UNFINISHED BUSINESS.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, February 12, 1866.

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

We, the undersigned property holders, residing between Merrill and southwest end, call upon your honorable body to have the side-walk graded and graveled between the above named places, meaning the west side of Missouri street on Canal, and by so doing your petitioners as in duty bound will ever pray.

John Williams,
Thomas Carr,
Isaac Chline,
John Tudge,

David E. Morgan,
Robert Andrews,
James W. Dixon,
Denis Griffin.

Which, on motion, was referred to the Board of Public Improvements.

Mr. Coburn moved—

That the Councilmen from each Ward be requested to present ordinances for street improvement in their Wards, and that no more than one ordinance from a Ward be introduced the same evening, and that the City Attorney be requested to draw up blank form for Street Improvement Ordinance, to conform to the provisions of the new City Charter.

Which motion was adopted.

On motion of Mr. Boaz, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—15.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*