

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, MARCH 26TH, 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, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—12.

Absent—Councilmen Colley, Emerson, Fletcher, Jameson and Thompson—5.

The proceedings of the regular session, held March 19th, 1866, were read and approved.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, March 26, 1866.

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

The undersigned, property holders on the line of Spring street, between Vermont street and its northern terminus, understanding that part of the work of grading and graveling said street is asked to be delayed, respectfully remonstrate against any delay in said work, as said improvement is greatly needed, and without it said street is not only impassable but dangerous to health.

George Schmitt,
Peter Hedderick,
P. Schaub,

John Duncan,
John Grosch,
And 16 others.

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

By Mr. Grosvenor—Petition :

INDIANAPOLIS, March 23, 1866.

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

I ask an abatement of the city taxes on lot in square 4, 50 feet, south side of north-west quarter; amount of taxes paid \$37.50. For full description and evidence I refer your honorable body to the present Treasurer of the this city, Wm. H. Craft. This property I sold to the Institute previous to August, and they have built upon the same. It being their property it should not have been taxed. I sold it to them May 13, 1865.

Yours truly,

J. R. OSGOOD.

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

By Mr. Glazier—Petition :

INDIANAPOLIS, March 25, 1866.

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

The undersigned respectfully petitions for permission to lay a pipe for conveying waste water from his laundry, No. 22 South New Jersey street, to the street gutter.

J. L. SPAULDING,
Proprietor City Laundry.

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

By Mr. Schmidt—Petition :

INDIANAPOLIS, March 26, 1866.

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

GENTLEMEN:—The undersigned, owner of lot No. 1, square 80, Wingate's Division, (on Pogue's Run,) is assessed on said lot with \$1,200. Said lot is worth only \$150.00. I respectfully ask your honorable body for a reduction of taxes on said lot over and above its value. Respectfully;

ROBERT SCHMIDT.

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

By His Honor, the Mayor—Petition :

HALL OF EIGHT HOUR LEAGUE, NO. 1, OF INDIANA, }
Indianapolis, March 16, 1866. }

At a regular stated meeting of the above Association, held March 16, 1866, the following preamble and resolutions were submitted and unanimously adopted :

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

GENTLEMEN:—Whereas, the present position of laboring men is such that it does exclude them from the enjoyment of improvement, whether socially, morally, religiously, or politically, from the fact that, under the present system of labor, we have no time for improvement, and believing that a reduction of the hours of labor would lead to such improvements, making us better citizens, better companions in the social circle, and giving us more time for literary pursuits, would be more conducive to the true development of the laboring man.

And whereas, the reduction of the hours of labor at the present time is

an important topic, having received the approbation and adoption of several of the City Councils throughout the country, and has been submitted, with favorable results, to several of the Legislatures, and believing that all examples and precedents ought first to emanate from executive bodies: therefore,

Be it resolved, That we, your humble petitioners, would most respectfully request that you will give this matter your most careful and deliberate consideration.

Resolved, That we do most fervently pray that you will make it a law for all work done in and for the corporation of the City of Indianapolis, that eight hours shall constitute a legal day's work.

And furthermore be it resolved, That we do most respectfully request that so far as is practicable, that you do use your influence with the Legislature, and all other powerful bodies, for the speedy accomplishment of the same generally.

Believing that these resolutions will meet with your prompt and impartial decision, we remain your ever praying petitioners, the laboring men of the City of Indianapolis.

D. W. COSLER, President.
JOHN LAW, Secretary.

Mr. Boaz moved that the petition be referred to a select committee of three.

Which motion was adopted.

His Honor, the Mayor, appointed as such select committee, Councilmen Boaz, Grosvenor and MacArthur.

By Mr. Loomis—Petition:

INDIANAPOLIS, March 26, 1866.

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

We, the undersigned, residents and owners of real estate fronting on East street, between McCarty and Merrill streets, request that your honorable body refuse to change the grade of East street as petitioned for by A. G. Stevens and others, and as in duty bound will ever pray.

Elizabeth Schlosser,
T. Mathews,
Lencre Kramer,

Frank Damme,
Henry A. Hugo,
And 9 others.

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

By Mr. Grosvenor—Petition:

INDIANANOLIS, March 26, 1866.

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

Your petitioner is desirous of covering the gutter on Illinois street in front of his property, corner of Illinois and Georgia streets. I propose, if the Council will give consent, to do the work at my own expense, under the direction of the City Engineer, and your petitioner will ever pray, &c.

HUGO MARMONT.

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

Mr. Schmidt offered the following motion :

That the Board of Public Improvements be instructed to order the Street Commissioner to lay down foot bridges over Pogue's Run, on New Jersey street and East street, there being none on the west side.

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

Dr. Jameson moved—

That the City Engineer be directed to report to the Board of Public Improvements the amount of grading required on Walnut street, between Alabama and Chatham streets; and, also, Spring street, between Vermont street and the north line of out-lot No. 45.

Which motion was adopted.

Dr. Jameson offered the following motion :

That Wm. Graffenstein be permitted to dig a well on Massachusetts Avenue at the crossing of Vermont street, provided he makes and maintains a sink in connection therewith.

Which motion was referred to the Board of Public Improvements :

Mr. Brown moved—

That the City Attorney be requested to give his opinion on the following points:

1st. Whether the grade of a street can be changed without invalidating the contract, when a contract exists for the improvement of a street upon an established grade.

2d. Whether assessments could be made for a street improvement and collected, in case of the Council ordering the grade of such street to be changed, during the existence of a contract for improving the street upon a different grade.

Which motion was adopted.

Mr. Brown moved—

That the Board of Public Improvements be instructed to inquire into the expediency of removing from Bluff Road a culvert now running across the same, between McCarty and Ray streets.

Which motion was adopted.

Mr. Coburn moved—

That the Committee on Printing and Stationery contract for the binding and indexing of the Council Proceedings for Councilmen and City Officers.

Which motion was adopted.

By Mr. Grosvenor :

WHEREAS, A vacancy now exists in the representation in this Council from the Fifth Ward, therefore,

It is resolved by this Council, That a special election is hereby ordered to fill said vacancy, said election to be held at the Fifth Ward School House on the

21st day of April, to be conducted as specified in city charter. The City Marshal is instructed to give notice of said election as provided by city charter. That G. W. Allred be appointed Inspector, and Thomas Gott and Jesse Brown as Judges of said election.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—13. Noes, none.

So the resolution passed.

By Mr. Loomis :

Resolved, That the Citizens' Street Railway Company be, and is hereby, directed to grade and boulder Virginia Avenue, between South street and Bradshaw street, as required by section five of an ordinance entitled "An ordinance authorizing the construction, extension and operation of certain passenger railways in and upon the streets of the City of Indianapolis.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—13. Noes, none.

So the resolution passed.

Mr. MacArthur introduced special ordinance No. 34—1866, entitled :

AN ORDINANCE to provide for grading and graveling North street and sidewalks, between Blackford and Minerva streets,

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

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 26, 1866. }

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 the ordinance for the bouldering and curbing of the gutters and sidewalks on the south and west sides of the East Market Space be so amended as to include the south sidewalk and gutter of Market street, between Delaware and Alabama streets. We have so amended the ordinance.

HENRY COBURN, }
AD. SEIDENSTICKER, } Board.

On motion the report was concurred in, and the amendment to the ordinance adopted.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, March 26, 1866. }

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

GENTLEMEN:—The Board of Public Improvements would report that they made an error in the calculation and recommendation that the contract be awarded John Stumph to boulder the alley running through square 57. Upon review we find that Hiram Seibert is the lowest bidder, and we would recommend that the vote awarding him the contract be reconsidered.

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

On motion the report was concurred in.

Mr. Coburn then moved that the vote concurring in so much of the report of the Board of Public Improvements as relates to the bid of John Stump for grading and bouldering the alley running east and west through square No. 57, made to Council March 22, 1866, and awarding the contract to John Stumph, be reconsidered.

Which motion was adopted.

Mr. Coburn then moved that the contract for grading, bouldering and curbing the sidewalks of the alley running east and west through square No. 57, be awarded to Hiram Seibert, he being the best bidder.

Which motion prevailed.

Mr. Kappes, from the Committee on Accounts and Claims, introduced the following ordinance :

AN ORDINANCE appropriating money to pay Frederick Schulmeyer for lighting and extinguishing the city lamps.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of \$421.20 for lighting and extinguishing 624 city lamps for one month and a half from January 17 to March 4, 1866, at 45 cents per month per lamp, payable in cash, as per contract, and the City Auditor is hereby directed to issue a warrant for such a sum to Frederick Schulmeyer, and the City Treasurer is directed to pay the same in cash.

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

Ordnained and established this 26th day of March, A. D. 1866.

JOHN CAVEN, *Mayor.*

Attest :

C. S. BUTTERFIELD, *City Clerk.*

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

Mr. Kappes 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, Emerson, Glazier Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. 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, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the ordinance passed.

By Mr. Allen, from Committee on Fire Department :

INDIANAPOLIS, March 26, 1866.

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

The Committee on Fire Department, to whom was referred the petition of D. B. McDonough for the privilege of leasing the ground adjoining the Marion Engine House for the purpose of moving there a small building to be used as a shoe shop, would report that they have considered the same, and report adversely. And would recommend that the ground be leased to Andrew Curtis, who proposes to put there a substantial and neat fence with gates suitable for the use of the Engine House, as the coal is stored there that is used by the Fire Company. Mr. Curtis proposes to pay six'teen (16) dollars per year for the same, and to vacate whenever desired by the Council; and would further recommend that the Chief Fire Engineer be directed to make the necessary arrangements, collect the rent, &c.

Respectfully submitted,

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

Which, on motion, was concurred in

From Chief Fire Engineer—Report :

INDIANAPOLIS, March 26, 1866.

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

GENTLEMEN:—I would most respectfully report that the note of \$500.00 from Relief Fire Company, Charleston, Illinois, for the balance of payment on old hand Fire Engine, became due February 16, 1866. Due notice was given to the Company, to which I received the following reply:

CHARLESTON, Feb. 26, 1866.

Mr. Charles Richmann:

DEAR SIR:—Yours to Mr. James Keller, of recent date, received in due time, and in reply would say that there will be a meeting of Fire Company on 1st Wednesday in March. Will then determine what we can do as to Engine, &c.

Yours truly,

J. C. MILLS, Secretary.

P. S. Will notify you as to proceedings, &c.

I would state I have not received any notice as to the result of their meeting, nor have I received any reply to a letter of inquiry, written March 16th, 1866. I would ask for instructions as to what I shall do in this matter.

Respectfully,

CHARLES RICHMANN,
Chief Fire Engineer.

On motion, the report was received and the matter referred to the City Attorney, with instructions to enforce the payment of the note.

From the City Attorney—Report :

INDIANAPOLIS, March 26, 1866.

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

GENTLEMEN:—I do not think that the petition of Granville M. Ballard shows such facts as entitle him, by law, to have the sum paid by him as taxes refunded. If the taxes were paid, as shown by the petition, under a mistake of law, he cannot (as in several similar cases I have informed you) compel the city to refund. The same rule applies to the petition of Bridget Quigley.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which, on motion, was concurred in, and the petitions laid upon the table.

From the City Attorney—Report :

INDIANAPOLIS, March 26, 1866.

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

GENTLEMEN:—I have examined the questions arising upon the claim of Bennett Brooks, and respectfully recommend that it be allowed upon the signing by Mr. Brooks, and the surety on his bond, of the agreement herewith transmitted.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

On motion the report was concurred in, and the account referred to the Committee on Accounts and Claims, with instructions to embrace same in ordinance on accounts when the contractor and his surety shall sign the agreement reported by the City Attorney.

Mr. Loomis called up special ordinance No. 10—1866, entitled :

AN ORDINANCE to provide for grading, paving with boulder stone and curbing the outer edges of the sidewalks with either Flat Rock stone, or wooden curbing, or without any curbing of any description whatever, as the property owners may desire, of Virginia Avenue, between South and Bradshaw streets,

And asked the unanimous consent of the Council to amend by striking out the words "*South street,*" in last line of title and insert in lieu thereof the words "*Noble street.*"

Which was granted.

The ordinance was so amended.

The ordinance, by unanimous consent, was also amended by "excepting so much of said Avenue as the Citizens' Street Railway Company is required to grade and boulder;" and so as to require "the contractor to give a written guarantee to keep the Avenue," so bouldered, "in good repair for a term of two years."

The ordinance, as amended, 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 Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the ordinance passed.

Mr. Kappes called up special ordinance No. 20—1866, entitled:

AN ORDINANCE to provide for furnishing and erecting lamp-posts, lamps and fixtures on North street, between Delaware and Alabama streets,

Which was read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—13. Noes, none.

So the ordinance passed.

Mr. Seidensticker called up special ordinance No. 18—1866, entitled:

AN ORDINANCE to provide for the grading and graveling of Massachusetts Avenue and sidewalks, from New Jersey street, to the corporation line east,

Which was read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—13. Noes, none.

So the ordinance passed.

Mr. Grosvenor called up special ordinance No. 77—1865, entitled:

AN ORDINANCE to provide for grading and paving and curbing the sidewalk on the south side of Washington street, between Tennessee and Mississippi streets,

Which was read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—13. Noes, none.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Loomis introduced special ordinance No. 35—1866, entitled :

AN ORDINANCE to provide for grading and paving with boulder stone, and curbing the outer edge of the sidewalks with either Flat Rock stone or wooden curbing, or without any curbing of any description whatever, as the property holders may desire, of Virginia Avenue, between South and Noble streets,

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

Mr. Loomis then moved that rules numbered 19 and 24 of the Council 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, Emerson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

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

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the ordinance passed.

On motion of Mr. Coburn, special ordinance No. 68—1865, entitled :

AN ORDINANCE to provide for grading and graveling St. Joseph street and sidewalks, between Meridian and Pennsylvania streets,

Was taken from the table and amended so as to comply with the provisions of the new City Charter, and read the second time.

Mr. Coburn then moved that rule No. 24, of the Council, requiring notice of the pendency of street improvement ordinances to be given, be suspended, and that the ordinance be 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, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

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

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14. Noes, none.

So the ordinance passed.

On motion of Mr. Seidensticker, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, MacArthur, Schmidt, Seidensticker and Staub—14.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.