

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, MAY 6TH, 1867, 7½ 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 :

Councilmen Allen, Brown, Colley, Emerson, Glazier, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker and Staub—12.

Absent—Councilmen Coburn, Fletcher, Grosvenor, Jameson, Kemker and Thompson—6.

The proceedings of the regular session held April 29th, 1867, were read and approved.

Mr. Brown offered the following motion :

That the City Clerk be directed to issue a license as Expressman, for one year, free of charge, to John Vetter.

Which was referred to the City Clerk.

Mr. Brown offered the following resolution :

WHEREAS, The Common School Law of the State, approved March 6, 1865, provides that the School Trustees in cities and incorporated towns, "shall be allowed such reasonable compensation per diem for their services as to the authorities of such incorporated cities and towns may be deemed just,

to be paid out of the special tax raised in such cities and towns: And Whereas, No compensation has been authorized by the Common Council of the City to the School Trustees, whose term of service has recently expired: Therefore,

Resolved, That each of the Trustees of the Public Schools of the City of Indianapolis be allowed five dollars a day for each day's service actually rendered as such Trustees, to be paid from the special school fund.

Mr. Colley moved to amend the resolution by inserting \$3.00 instead of \$5.00.

Which amendment was not adopted.

The question being on the adoption of the resolution, Mr. Colley called for the ayes and noes.

Those who voted in the affirmative were Councilmen Allen, Brown, Emerson, Glazier, Loomis, MacArthur, McNabb, Schmidt and Seidensticker—9.

Those who voted in the negative were Councilmen Colley, Kappes and Staub—3.

So the resolution was adopted.

Mr. Colley offered the following motion:

That the Street Commissioner be instructed to clean the gutters on Saint Clair street, between New Jersey street and Massachusetts Avenue, and on Chatham street, between Massachusetts Avenue and Saint Clair street, and to construct foot bridges at the intersection of Chatham and Saint Clair sts.

Which was adopted.

Mr. Emerson presented the following petition:

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—Your petitioners would respectfully represent to your honorable body that they are resident property owners of lots bordering on the east side of West street, between North and Walnut streets, in Wiley's addition to the City of Indianapolis, and would further represent that the lots are small and nearly all occupied as residences for mechanics and workingmen, and we respectfully ask of your honorable body not to grant any permits to any person or persons to build wagon, blacksmith or carpenter shops within the limits aforesaid, as it would increase the risk of insurance and depreciate the value of our property. As in duty bound your petitioners will ever pray, &c.

Wm. H. Grimes,
Jacob Caylor,
Abraham B. Charles,

James Gibson,
John H. Miller,
And 6 others.

Which was referred to the Board of Public Improvements.

Mr. Emerson presented the following petition :

INDIANAPOLIS, May 6, 1867.

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

Pleas hold back J. H. Robison's estimate on Mississippi street until I get my money from him, which is due me for work on that contract, which is seventy dollars.

ZEPH HOLLINGSWORTH.

Which was referred to the City Auditor.

Mr. Glazier offered the following resolution :

Resolved, That Jacob Coffman be appointed to act on Election Board in place of Edward Wingate declined.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Colley, Emerson, Glazier, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker and Staub—12.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Loomis offered the following motion :

That the City Civil Engineer be directed to lower the grade of the alley between Huron and Elm streets, so as to allow the water to run off.

Which was adopted.

Mr. Loomis, also, offered the following motion :

That the City Civil Engineer be directed to cause the surplus earth from grading Lord street to be placed on the east end of said street.

Which was adopted.*

Mr. Loomis, also, offered the following motion :

That Alfred Harrison & Co. be allowed to pave the sidewalk on Washington street, south side, from the alley west of Glenns' Block to a point fronting Harrisons' Bank, west line, at his own expense, under the direction of the City Civil Engineer.

Which was adopted.

Mr. Loomis offered the following resolution :

Resolved, That the Market Master and City Auditor be, and are hereby, directed to advertise all Market Stalls in the West and East Market for sale to the highest bidder for one year, with the privilege of five, payable annually in advance, and the same to be transferrable should the purchasers desire to sell.

Which was referred to the Committee on Markets.

Mr. MacArthur presented the following communication:

INDIANAPOLIS, May 6, 1867.

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

| 1866. | J. H. Robinson, | To Wm. Courtney, | Dr. |
|------------------|--|------------------|----------|
| August 16. | To 1 plow, | - - - - | \$18 00 |
| " 16. | To cash, | - - - - | 20 |
| " 18. | To cash, | - - - - | 110 00 |
| " 18. | To team 5 days at \$4.00 per day, | - - - - | 20 00 |
| " 25. | To team 3 7-8 at " " " " | - - - - | 15 50 |
| | To labor performed on Mississippi and other streets, | - - - - | 48 30 |
| | Total, | - - - - | \$212 00 |
| August 18, 1866. | By cash paid me, | - - - - | 12 00 |
| | Balance due me, | - - - - | \$200 00 |

STATE OF INDIANA, }
MARION COUNTY, } ss:

Before me, John G. Waters, a Notary Public in and for said county and State, personally came William Courtney, who being duly sworn, says upon oath, that the above account is just and true, and that the balance shown as due thereon is unpaid.

WILLIAM COURTNEY.

Sworn to and subscribed to before me this 6th day of May, 1867.

JOHN G. WATERS, Not. Public.

Which was referred to the City Auditor.

Mr. MacArthur presented the following communication:

INDIANAPOLIS, May 6, 1867.

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

| 1866. | J. H. Robison, | To John Scheier, | Dr. | Cr. |
|-----------|--|------------------|----------|---------|
| Aug. 20. | To cash, | - - - - | \$100 00 | |
| Aug. 27. | By cash paid for labor | - - - - | | \$35 95 |
| Sept. 4. | By cash paid for labor | - - - - | | 29 00 |
| Sept. 4. | To 9 days hauling with team at \$4 per day, | - - - - | 36 00 | |
| Sept. 15. | By 2½ days hauling with 3 teams at \$3.50 per day, | - - - - | | 26 25 |
| | | | \$136 00 | \$91 20 |
| | | | 91 20 | |
| | Amount due, | - - - - | \$44 80 | |

STATE OF INDIANA, }
MARION COUNTY, } ss:

Before me, Henry M. Scott, a Notary Public in and for said county and State, personally came John Scheier, who being duly sworn, says upon oath, that the above account is just and true, and that the balance shown as due thereon is unpaid.

JOHN SCHEIER.

Sworn to and subscribed to before me this 6th day of May, 1867.

HENRY M. SCOTT, Not. Public.

Which was referred to the City Auditor.

Mr. MacArthur offered the following motion :

That Horace W. Smith be allowed to gravel the north sidewalk of New York street, between Blake and Minerva streets, and that the Engineer be instructed to set the stakes; also, be granted permission to dig a well on the same, he agreeing to comply with all the regulations pertaining to the same.

Which was adopted.

Mr. McNabb presented the following communication :

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—Having seen a petition for the erection of lamp-posts to light McNabb street with gas, I deem it proper to state that the north side of said street is already lighted by the Union Railway Company with nine (9) lamps in the 420 feet; and whilst we do not oppose the erection of posts and lighting the south side of the street, we do claim exemption from assessment in any part of the cost thereof.

Yours respectfully,

W. N. JACKSON, Sect'y.

Mr. Seidensticker moved to refer the remonstrance and ordinance providing for the lighting of McNabb street with gas, to the Board of Public Improvements, to report as to power of Council to pass an ordinance to provide for lighting one side of the street.

Which motion was adopted.

Mr. McNabb presented the following petition :

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—We, the undersigned, would respectfully request your honorable body to pass an ordinance for the grading and graveling of the alley running east and west through Square No. 86, and confer an everlasting obligation upon the residents of said Square.

Respectfully submitted,

Frederick Gansberg,

Henry Papenhous,

Frederick Koch,

C. Dammeiger,

John Wocheer,

G. B. Beeler.

Which was received.

Also, special ordinance No. 21—1867, entitled :

AN ORDINANCE to provide for grading and graveling the alley running east and west through Square numbered 86, of the City of Indianapolis,

Which was read the first time by its title, and passed to a second reading.

Mr. McNabb offered the following motion :

That John Coen and others have permission to grade and gravel the alley in the rear of their property, under the direction of the City Engineer.

Which was adopted.

Mr. Seidensticker introduced special ordinance No. 22—1867, entitled:

AN ORDINANCE to provide for grading and graveling Michigan street and sidewalks, between Noble and Davidson streets,

Which was read the first time by its title, and passed to a second reading.

Mr. Seidensticker introduced special ordinance No. 23—1867, entitled:

AN ORDINANCE to provide for the grading and graveling of Winston street and sidewalks, between Washington and Ohio streets,

Which was read the first time by its title, and passed to a second reading.

Mr. Staub offered the following motion:

That the Street Commissioner be instructed to build a culvert on New York street at the intersection of the alley running north and south, between California and Blackford streets.

Which was referred to the Board of Public Improvements.

His Honor, the Mayor, presented the following petition:

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—I wish to gravel the sidewalk in front of my lots on Lord st., Nos. 64 and 65, in out-lot No. 91, in this city, according to the grade fixed by the City Engineer. Yours most obedient,

CHARLES BARNITZ.

Which was referred to the Board of Public Improvements.

Sealed proposals were opened and read by the City Clerk, and referred to the Board of Public Improvements.

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—Your Committee beg leave to introduce the report of the Superintendent of the Hospital, together with an ordinance appropriating moneys for the City Hospital for the month of April, 1867. The average expense per capita per diem is 52 cents.

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

Which was received.

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING APRIL 30, 1867.

| | |
|--|----------|
| Total expenditures for the month | \$535 12 |
| Aggregate number of days for which subsistence, etc , was furnished..... | 1,012 |
| Average expense per capita per diem | \$0 52 |

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING MAY 4, 1867.

| | |
|--|----|
| Number of patients in Hospital at last report..... | 26 |
| Number of patients received in Hospital since last report | 7 |
| Number of patients born in Hospital since last report | 1 |
| Number of patients discharged from Hospital since last report..... | 3 |
| Number of patients died in Hospital since last report..... | 3 |
| Number of patients remaining in Hospital at present report | 28 |

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING APRIL 30, 1867.

| | |
|--|----|
| Number of patients in Hospital at last report | 27 |
| Number of patients received in Hospital since last report..... | 19 |
| Number of patients born in Hospital since last report..... | 6 |
| Number of patients discharged from Hospital since last report..... | 25 |
| Number of patients died in Hospital since last report | 2 |
| Number of patients remaining in Hospital at present report..... | 25 |

Also, special appropriation ordinance No. 22—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims on account of City Hospital for the month of April, 1867,

Which was read the first time by its title, and passed to a second reading.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report :

INDIANAPOLIS, May 6, 1867.

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

Since entering upon my duties with the city up to the present time, I have studiously avoided every question of a personal character, and in varying from this rule now, I believe I am actuated only by the demands of self-respect.

At your last meeting (April 29th) Councilman Thompson presented a communication from D. Root & Co., in which, speaking of the City Civil Engineer, the following words occur :

"The next we hear from him is in his prompting Councilman Coburn to offer a resolution that we be required to put on the galvanized iron lamps, and that, too, without informing him that 48 cast iron lamps were made."

This statement is so outrageously false that I cannot let it pass. To prove it so I need no other testimony than your own records of Feb. 25, 1867, page 690, where you will find that the motion complained of was not made by Mr. Coburn, but by Dr. Thompson himself, upon the application of D. Root &

Co. for an extension of time upon their contract, which was granted upon condition "that they shall use galvanized iron lamps instead of cast iron."

I understand it to be my business simply to see that the orders of the Council are carried out in my department.

Root's contracts had been forfeited by the expiration of the time, as acknowledged by themselves in asking an extension.

The extension was granted with the amending conditions offered by Dr. Thompson, without any conference with or prompting from me, as Dr. Thompson himself must in honesty testify.

D. Root & Co. by accepting the additional time without protest or notice, must, of a necessity, accept the whole condition.

So long as the above resolution of the Council stood un-repealed, I could do nothing else but work by it.

I make this statement with no other feeling than a desire to be set right on the record.

Respectfully,

JOSHUA STAPLES, JR., *Civil Engineer*

Which was accepted.

The City Civil Engineer, also, made the following report:

INDIANAPOLIS, May 6, 1867.

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

The Civil Engineer would respectfully report the following amount of work finished according to original contract:

D. Root for erecting lamp-posts, lamps and fixtures on Tennessee street, between Michigan street and the Corporation line north.

| | | | | | | |
|------------------------|---|---|---|---|---|----------|
| Total number of posts, | - | - | - | - | - | 22 |
| At \$37.00 per post, | - | - | - | - | - | 37 |
| Total, | - | - | - | - | - | \$814 00 |

Also, D. Root for erecting lamp-posts, lamps and fixtures on New Jersey street, between New York street and Fort Wayne Avenue.

| | | | | | | |
|----------------------------|---|---|---|---|---|------------|
| Total number of posts, | - | - | - | - | - | 27 |
| At \$39.75 cents per post, | - | - | - | - | - | 39.75 |
| Total, | - | - | - | - | - | \$1,073 25 |

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer*.

Which was referred to the City Auditor, with instructions to prepare and report estimates.

The City Civil Engineer, also, made the following report:

INDIANAPOLIS, May 6, 1867.

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

The Civil Engineer would respectfully report the following amount of work finished as per contract:

The Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on South street, between Pennsylvania and Tennessee streets.

| | | | | | | |
|--|---|---|---|---|---|----------|
| Six intermediate posts, at \$34.00 per post, | - | - | - | - | - | \$204 00 |
| One corner post, at \$36.00, | - | - | - | - | - | 36 00 |
| Total, | - | - | - | - | - | \$240 00 |

Also, for erecting lamp posts, lamps and fixtures on Indiana Avenue, between Tennessee and West streets.

| | | | |
|---|---|---|----------|
| Twelve intermediate posts, at \$34.00 per post, | - | - | \$408 00 |
| Four corner posts, at \$36.00 per post, | - | - | 144 00 |
| Total, | - | - | \$552 00 |

Also, for erecting lamp-posts, lamps and fixtures on West street, between Vermont and North streets.

| | | | |
|---|---|---|----------|
| Four intermediate posts, at \$34.00 per post, | - | - | \$136 00 |
| Three corner posts, at \$36.00 per post, | - | - | 108 00 |
| Total, | - | - | \$244 00 |

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was referred to the City Auditor, with instructions to prepare and report estimates.

The City Auditor made the following report:

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—The City Auditor would respectfully report the following:

The contract and bond of Wm. Kown, for grading and gravelling the alley running east and west through out-lot one hundred and seventy-five.

First and final estimate allowed Charles S. Roney, for grading and paving with brick the west sidewalk on Alabama street, between Vermont and North streets.

First and final estimate allowed Joseph Bernauer and John Bly, for grading and graveling part of alley running east and west through square 95.

Contract and bond of Joseph Schwartzter, to grade and gravel the south sidewalk on New York street, between Missouri and West streets, for thirty cents per lineal foot front.

Contract and bond of William Cogill and John Cogill, for grading and graveling Lord street, between Noble street and the west line of Coe's subdivision.

Contract and bond of Hiram Seibert and Geo. W. Buchanan, for building a bridge over Pogue's Run, on New York street.

The value of certain lots in out-lot 97, owned by Albert Christy and Hoyt Stone et al., and what it will cost to fill each one separately, is herewith submitted from myself and the Civil Engineer.

There is a provision inserted in all city contracts requiring contractors to take their pay in City orders, or in City Bonds payable in two years from date, which some contractors object to, as they say all of their bids are made at cash prices, and not on Bonds payable in two years. The Council will please instruct me in the matter.

Second and final estimate allowed J. H. Robison for grading and graveling Mississippi street and sidewalks, between Garden and Merrill streets.

Respectfully,

JOHN G. WATERS, *City Auditor.*

Resolved, That the foregoing first and final estimate allowed Joseph Bernauer and John Bly for grading and graveling part of alley running east and west through square 95, be, and the same is hereby, adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Colley, Emerson, Glazier, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker and Staub—12.

No Councilman voting in the negative.

So the resolution was adopted.

Resolved, That the foregoing first and final estimate allowed Charles S. Roney, for grading and paving with brick the west sidewalk on Alabama street, between Vermont and North 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 adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Colley, Emerson, Glazier, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker and Staub—12.

No Councilman voting in the negative.

So the resolution was adopted.

On motion, the estimate of J. H. Robison, for grading and graveling Mississippi street and sidewalks, between Garden and Merrill streets, was referred back to the City Auditor.

On motion, the contracts and bonds reported by the City Auditor, were accepted and approved.

The City Auditor, also, made the following report :

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—As directed, we herewith report the value of certain lots in out-lot 97, proposed to be filled up to grade by your honorable body, and number of cubic yards of dirt it will require to fill each lot. Lot 311 is owned by Albert Christy, which is valued at \$350, and it will take 265 yards of dirt to fill it up, at 40 cents per yard, which amounts to \$106. Lot 312 is owned by Albert Christy, also valued at \$350, and it will take 542 cubic yards of dirt to fill it, at 40 cents per cubic yard, will amount to \$216.48. Lot 313 is owned by Hoyt, Stone et al., and is valued at \$300, and it will take 334 cubic yards of dirt, at 40 cents per cubic yard to fill it, which amounts to \$133.72. Lot 314 is also owned by Hoyt, Stone et al, and is valued at \$300, and it will take 202 cubic yards of dirt to fill the same, at 40 cents per cubic yard, which amounts to \$80.

Respectfully submitted,

JOHN G. WATERS, *City Auditor.*

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was accepted and approved.

The City Assessor made the following report :

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN :—I am now about ready to make a return of the taxable property of the City for the year 1867, and ask your honorable body to make the necessary provision by the publication of a notice for at least two weeks that a Board of Equalization will be held, to hear and decide all complaints in relation to appraisements, and to equalize the same as right and justice may require.

WM. HADLEY, *City Assessor.*

Which was received, and the proper officer directed to give notice of meeting of the Common Council as a Board of Equalization.

On motion by Mr. Brown, the City Assessor was directed to give notice to delinquents to make return of their statements.

His Honor, the Mayor, made the following report :

MAYOR'S OFFICE,
Indianapolis, May 6, 1867. }

To the Common Council of the City of Indianapolis :

GENTLEMEN :—The amount of fines collected by me during the month of April, 1867, is \$327.50, which amount I have paid to the City Treasurer, as shown by Auditor's duplicate quietus hereto attached.

Respectfully submitted,

J. CAVEN, *Mayor.*

Which was accepted and approved.

ORDINANCES ON SECOND READING.

Mr. Seidensticker called up special ordinance No. 22—1867, which was read the second time, and ordered to be engrossed.

Mr. Seidensticker called up special ordinance No. 23—1867, which was read the second time, and ordered to be engrossed.

Mr. McNabb called up special ordinance No. 21—1867, which was read the second time, and ordered to be engrossed.

Mr. Kappes called up special appropriation ordinance No. 22—1867, which was read the second time, and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. MacArthur called up special appropriation ordinance No. 21—1867, entitled :

AN ORDINANCE appropriating money to the Street Commissioner for the cleaning of streets, repairing of bridges, culverts, &c.

Which was 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, Brown, Colley, Emerson, Glazier, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker and Staub—12.

No Councilman voting in the negative.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Loomis offered the following motion :

That when this Council adjourn, it be to meet on Wednesday evening, the 5th inst.

Which was adopted.

Mr. Loomis, also, offered the following motion :

That Fletcher, Stone, Hoyt, Witt & Company be requested to fill certain lots on Elm street, thus avoiding a nuisance.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, May 6, 1867.

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

GENTLEMEN:—The undersigned respectfully petitions your honorable body to grant him Auction license for three months. My place of business is No. 180 South Illinois street.

Respectfully,

J. ROTHSCHILD.

Which was granted.

Mr. Loomis introduced special appropriation ordinance No. 23—1867, entitled :

AN ORDINANCE appropriating money to refund taxes erroneously assessed,

Which was read the first time by its title, and, on motion, was read the second time, and ordered to be engrossed.

On motion by Mr. Colley the Council adjourned.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*