

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

---

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JUNE 3D, 1867, 7½ O'CLOCK, P. M. }

Present—His Honor, the Mayor, Daniel Macauley, in the chair,  
and the following members:

Councilmen Brown, Burgess Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

Absent—Councilmen Cottrell and Schmidt—2.

The proceedings of the regular session held May 27th, 1867, and of the adjourned session held May 29th, 1867, were read and approved.

Mr. Brown presented the following petition:

INDIANAPOLIS, June 3, 1867.

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

The undersigned, representing the Bellefontaine Railway Company, respectfully represents that in 1862, and prior thereto, said company, for reasons and objects herein stated and recognized at that time by your honorable body as satisfactory and urgent, purchased grounds in the north-east part of the City of Indianapolis for the purpose of erecting new and more commodious shops and a large depot for transfer of through freights, and the laying of extensive switches and side tracks for the switching and standing of empty and loaded cars, and remote from danger and annoyance to the public.

1st. The use of this company's grounds and depots between Alabama and New Jersey streets for the transferring of through freights, the making up and abandoning of trains, and the standing of empty and loaded cars, caused

so serious and constant an obstruction of several streets, and delays, danger and annoyance to citizens and vehicles passing on them, by the moving, switching and standing of trains, as to make a change of location absolutely necessary, as well for our own interest as the safety and convenience of the public.

2d. When this company located through the city it purchased the right of way 35 feet wide through the "Noble farm," (then a pasture and covered with stumps and logs,) and of other parties north to and through Massachusetts Avenue to the north-east corner of the city; subsequently the Noble heirs sub-divided that portion of said farm lying between Noble street and the west line of said right of way from Market street to St. Clair street, designating on their recorded plat "Railroad street," 60 feet wide, as a public street, *including our 35 feet right of way*, and making its west line the east line of the lots intended to front on said street. *this company not joining in the sub-division.* The effect of this was that North, Michigan, Vermont, and Ohio streets, and the intermediate alleys had no existence for 35 feet across said right of way, and could have been legally fenced up by this company at any time. On a portion of this 35 feet was a side track used for standing empty box and stock cars, (it being the only place we then had for that purpose.) The use of this side track for this purpose—especially in the hot months—was loudly and persistently objected to, and your honorable body frequently but without avail applied to for relief, our property and cars damaged and mutilated and personal violence threatened; these and other reasons decided us to seek, at great expense to us, a change of location.

After a consultation with members of the Council, Mayor Caven, and citizens interested, a petition was presented, with the understanding that if granted this company would surrender to the City of Indianapolis all her interest in the right of way to be abandoned from North street to Massachusetts Avenue for a public street, to take up the main and side track on said right of way and through said Avenue, the Council to give this company permission, under certain restrictions, to cross certain streets and alleys with their tracks and switches, and to vacate other streets and alleys of no utility to the public. This understanding was carried out on the part of this company and on the part of the city, excepting that in the order of vacation the east end of Biddle street and of the alley on the south line of Biddle's sub-division was by some oversight not included, but was a part of the original plan and intention. Said street and alley do not connect in any way in any direction on the east with any streets or alleys either now existing or in contemplation but about our grounds at their eastern terminus.

We therefore hereby respectfully ask your honorable body to vacate all that portion of Biddle situated east of the west line of lots Nos. 16 and 21, in said Biddle's sub-division, on which front lots Nos. 16, 17, 18, 19, 20 and 21, all belonging in fee simple to this company; and, also, all that portion of the alley on the south of said Biddle's sub-division, situated east of the west line of lot 21 in said sub-division, on which abut lots Nos. 19, 20 and 21 on the south, all the property of this company.

The granting of the prayer of your petitioner will greatly accommodate this company, carry out an original honorable intention, without in any way interfering with or injuring the public interest, and enable this company to protect by fences a very large amount of movable property from theft, (from which we have been great sufferers,) thus preventing crime by lessening the opportunities to commit it.

The grounds and facts are very nearly as represented on Asher & Adam's new Map of the City; and as in duty bound your petitioners will ever pray.

THE BELLEFONTAINE RAILWAY CO.  
By EDWARD KING, Sect. and Treasurer.

Which was referred to the Committee on Streets and Alleys.

Mr. Brown offered the following motion :

That the Committee on Fire Department and the Chief Fire Engineer, be instructed to visit all manufactories and breweries, or any other buildings in the city and make examination as to whether the buildings are so constructed as to prevent fires, and that in case any building be found with chimneys of insufficient height, or other defective construction, they shall report the fact to the Council for such action as they may deem proper in the premises.

Which was adopted.

Mr. Davis offered the following motion :

That the City Attorney be, and is hereby directed to report to this Council what action is necessary, to secure to this city the street running north and south through square No. 98, at the earliest practicable period, as said street is claimed by the Madison Railroad Company.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be, and is hereby directed, to notify Butsh and Dickson, also T. A. Morris, or the persons having charge of the side tracks on and across Pennsylvania street, to properly plank said tracks the full width of said street within ten days, and if said parties fail to do said work, then the Street Commissioner is hereby directed to do the same at the expense of said parties.

Which was adopted.

Mr. Davis, also, offered the following motion :

That a Committee of five members of this Council be appointed to examine and report to this Council, upon the practicability of widening Pogue's Run twenty feet, and deepening said Run ten feet, and that the Civil Engineer be empowered to employ a competent assistant to assist him in surveying said work and making an estimate of the cost of the same.

Mr. Seidensticker called for the ayes and noes on the adoption of the motion.

Those who voted in the affirmative were Councilmen Burgess, Davis and Jameson—3.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—11.

So the motion was not adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be, and is hereby directed to notify the Lafayette and Indianapolis Railroad Co., or the Indianapolis and Cincinnati Railroad Co., having charge of said road, to so enlarge the culvert under their tracks on North street, between Mississippi street and the Canal, on

the north side of North street, so as to make said culvert eighteen inches by four feet in the clear; and if said Company shall neglect or refuse to do said work for ten days after such notice, then the Commissioners shall do the same and collect the cost thereof from said companies.

Which was adopted.

Mr. Davis presented the following communication :

INDIANAPOLIS, June 3, 1867.

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

In entering upon the performance of that part of the duties of my office required by section twenty of the ordinance describing the powers and duties of the general city officers, I found certain dealers in coal, who claimed that if they weighed their coal by the standard given in the Statute of Indiana, they had a right to deliver it in a cart or vehicle of whatever capacity they choose to use, and that they would not be required to have them sealed, as section eighteen of the above mentioned ordinance seems to contemplate. I found the carts used by these parties to be considerable below the standard of measure, not averaging more than twenty-one and one-half bushels to the cart. I have not stopped the use of these carts, there seeming to be a doubt as to the propriety of so doing, but would respectfully refer the matter to your honorable body for instructions.

I would also state that the coal carts were generally too small throughout the city, not averaging more than twenty-two bushels to the cart, level measure. But the dealers claimed that they had been giving good weight, if not measure, and that the standard of measure was larger than the standard of weight. This led me to test the capacity of some carts by weight, as well as measure, and the result was as follows: A cart which held twenty bushels and fifty-eight pounds by measure, weighed twenty bushels of the Brazil coal. The same cart held twenty-two bushels of the Highland coal, and the Pittsburg coal was a few pounds heavier than the Highland. I also observed that we have kinds of coal which may be loaded in such a manner as to make a difference of from fifty to one hundred and fifty pounds in a twenty-five bushel cart, while the lightest load would appear to be fully equal to the heaviest.

These are a few of the facts and reasons which bring us to the conclusion that a standard of measure for buying and selling coal, cannot always be relied on as correct, and that the interests of the public cannot be fully secured and protected by it. I would therefore on behalf of the public, recommend and request that your honorable body take some measures to investigate this matter further, with a view to the revision of the above mentioned ordinance.

I am your ob't servant,

AUGUSTUS BRUNER, *City Sealer.*

In relation to which Mr. Seidensticker offered the following motion :

That the communication and ordinance, regulating the weighing of coal, be referred to the Committee on Revision of Ordinances to report what action is proper.

Which was adopted.

Mr. Geisel presented the following petition :

INDIANAPOLIS, June 3, 1867.

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

GENTLEMEN :—The undersigned property holders, residing on Plum street, desire and respectfully request your honorable Board to straighten Plum street from Massachusetts Avenue to the corporation line.

Thomas McHugh,	August Otto,
Ephraim Albert,	S. J. Pickerill,
William T. Burt,	And 5 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Geisel introduced special ordinance No. 39—1867, entitled :

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

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

Mr. Hschen presented the following petition :

INDIANAPOLIS, June 3, 1867.

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

The undersigned represent that they have the contract of grading and graveling that part of East street from Bicking street to the corporation line south, and that the stakes were set by Mr. Staples, former Engineer, and that John Schier, sub-contractor, has graded to said stakes, and had commenced to gravel the same according to the contract, but that the present Engineer, Mr. Patterson, has made such changes in the work as will involve your petitioners in an additional expenditure of some two hundred dollars, without any corresponding remuneration, therefore, and ask that the City Council give them the proper relief in the case.

Respectfully,

COWGILL, SMOCK & COWGILL.

Which was referred to the Board of Public Improvements.

Mr. Hschen introduced special ordinance No. 40—1867, entitled :

AN ORDINANCE to provide for grading and bowldering with bowlder stone Noble street, between the Indiana Central Railway Company's track and Washington street,

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

Mr. Hschen offered the following motion :

That the City Marshall be directed to notify the Indiana Central Railway Company to build a culvert under their track where the same crosses Liberty street.

Which was adopted.

Mr. Henschen, also, offered the following motion :

That the City Auditor be directed to re-advertise for proposals for building the bridge over Pogue's Run on Liberty street, and that the Civil Engineer be instructed to revise the former plans and specifications.

Which was adopted.

Dr. Jameson presented a note of \$30,000, given by the Indianapolis Gas Light and Coke Company, by E. J. Peck, Pres't, and payable to the City of Indianapolis, two years after date, and bearing ten per cent. interest, payable semi-annually; also, offered the following resolution in relation to the same :

*Resolved*, That in compliance with the terms of general ordinance No. 74, passed on the 29th day of April, 1867, and also general ordinance No. 87, amendatory of the same, passed on the 29th day of May 1867, the Common Council do hereby approve and accept the promissory note of the Indianapolis Gas Light and Coke Company, for the sum of thirty thousand dollars, (\$30,000) said note bearing date of June 1st, 1867, payable on or before the expiration of two years, and bearing ten per cent. interest payable semi-annually and endorsed by Stoughton A. Fletcher, Sr., Edward J. Peck, S. A. Fletcher, Jr. and L. W. Hasselman.

*Resolved*, That the City Treasurer be directed to take said note in custody and to issue a certificate thereon, in favor of said Gas Light and Coke Company, in accordance with the provisions of the ordinances aforesaid that in like manner the City Auditor issue ten per cent. coupon warrants in the amount of said certificate to said company, and that the Treasurer be directed from time to time to enter as credits on said note, all allowances in favor of said company made on account of gas furnished for the city, such credits being dated on the first day of the month next succeeding the month during which said gas shall have been furnished, and that the Treasurer be directed to adjust semi-annually the several accounts for interest on said note, the former being in favor of the Gas Company, and the latter in favor of the city, and that he shall receive as credits for interest on said note, the coupons when due, of said warrants, issued in consideration thereof.

The ayes and noes being taken under the Charter, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

Dr. Jameson introduced special ordinance No. 41—1867, entitled:

AN ORDINANCE to provide for grading and graveling Cherry street, between Fort Wayne Avenue and Jackson street,

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

Dr. Jameson offered the following motion :

That when the Council adjourn, it adjourn till Wednesday evening, June 5th, for the purpose of receiving the report of the Special Committee on equalization of assessment, and for making a tax levy for the ensuing year.

Which was adopted.

Mr. Kappes offered the following motion :

That the Council proceed to fill, by ballot, the existing vacancies in the Board of Directors for City Hospital.

Which was laid over to be called up under unfinished business.

Mr. Kappes, also, offered the following motion :

That a Committee of three be appointed to procure a suitable room for the office of the Mayor, there being none at present available or appropriate.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Kappes, Colley and Brown.

Mr. Kappes, also, offered the following motion :

That the Committee on Fire Department be directed to report the rules and regulations adopted by the Committee, for the use of said Department, at the next regular meeting of Council.

Which was adopted.

Mr. Loomis offered the following motion :

Whereas sundry grievances now exist in reference to the correct geographical lines of certain streets within this city ; therefore, be it moved that the city Civil Engineer and the City Attorney be, and they are hereby requested, to devise means and ways to remedy the said difficulty as far as possible, and report to this Council.

Which was adopted.

Mr. MacArthur offered the following motion :

That the City Civil Engineer be instructed to measure the distance between the lamp posts on New Jersey street, between Louisiana and South streets, and report to the Council at the next regular meeting whether said lamp posts are in accordance with the general plan of lighting the city with gas.

Which was adopted.

Mr. MacArthur introduced special appropriation ordinance No. 31—1867, entitled :

AN ORDINANCE appropriating money for the cleaning of streets, repairing of bridges, and so forth,

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

Mr. Seidensticker presented the following remonstrance :

INDIANAPOLIS, May 31, 1867.

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

The undersigned respectfully remonstrate against the letting of the work for grading and graveling New York street, between Winston street and the corporation line on the east, for the reason that when the Bellefontaine Railroad Company repair their crossing (soon to be done) the small amount of travel over that part of the street will be accommodated without subjecting the undersigned, owners of nearly the entire frontage on both sides of said street, to the heavy expense of grading and graveling, and especially that the property sought to be accommodated by this expenditure, and for the benefit of which it will solely inure, is outside the corporate limits, and pays no city tax.

The Bellefontaine Railroad Company by  
E. KING, Secretary Bel. R. R. Co.

Which was referred to the Board of Public Improvements.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, June 3, 1867.

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

GENTLEMEN:—Your petitioners pray that privilege be granted them to erect hitching posts before their place of business, similar to those standing before other stores on the same street.

Very respectfully,

J. KAHN & BRO,  
Pro. German Dry Good Store, Nos. 45 and 47 E. Wash. St.

Which was referred to the Board of Public Improvements.

Mr. Stanton introduced special appropriation ordinance No. 32—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis,

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

Dr. Woodburn presented the following petition :

INDIANAPOLIS, June 1, 1867.

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

I desire to have a glass case on edge of sidewalk front of No. 45, South Illinois street, it is now side of the house but is more of an incumbrance where it is than it will be at edge of sidewalk, it is an incumbrance where it is, but is no incumbrance where I want it, and none of the neighbors object to it being at edge of sidewalk. This therefore is to request of City Council a permit to have a glass show case at edge of sidewalk. Box 16 by 18 inches square.

With respect,

E. WALLACE, No. 45 S. Ill. St.

Which was laid upon the table.

Dr. Woodburn, also, presented the following petition :

INDIANAPOLIS, June 3, 1867.

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

We beg your honorable body to give us permission to gravel sidewalk on north side of lot 14, block 55, of Indianapolis, not being able to put down brick sidewalk, said walk being below the grade.

Yours,  
MRS. HUNT, Adm'x for D. P. Hunt's heirs.

Which was granted.

#### REPORTS FROM BOARDS.

Mr. MacArthur, from the Board of Public Improvements, made the following report :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, June 3, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the motion was referred, would respectfully report to your honorable body that we believe it to be very necessary that drain tiles should be put down on Railroad street, between Massachusetts Avenue and Pogue's Run, for the reason that the ditch recently dug is of no use without some such under-drainage, besides being a source of great inconvenience to property holders along the street. Therefore we would respectfully recommend that the Street Commissioner be instructed to lay one double course of six inch drain tiles between the points above named.

JNO. B. MACARTHUR, }  
SAMUEL GODDARD, } *Board.*

Mr. Colley called for the ayes and noes on the adoption of the report.

Those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Geisel, Goddard, Henschen, Loomis and MacArthur—8.

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

So the report was adopted.

Mr. Brown then moved to reconsider the vote on the adoption of the report, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Davis, Jameson, Kappes, Loomis, Seidensticker, Stanton and Woodburn—10.

Those who voted in the negative were Councilmen Colley, Geisel, Goddard, Henschen, and MacArthur—5.

So the vote was reconsidered.

The question then being on the adoption of the report, Mr. Davis moved that it be referred back to the Board of Public Improvements and the Civil Engineer, with instructions to report on a plan or system of sewerage.

Which was adopted.

#### REPORTS FROM COMMITTEES.

Mr. Brown, from the Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, June 6, 1867.

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

The Committee on Streets and Alleys in obedience to the instruction of the Council of the 27th of May, report that in their opinion the dead and dying locust trees should be removed from the sidewalks of the city. These trees are valuable for fence posts and fuel, and it is believed that they ought to be removed without cost to the city. The committee recommend that the City Auditor be directed to advertise for proposals for removing all dead and dying locust trees from the sidewalks throughout the city that may be standing on and after the 15th day of July, 1867, and that bidders be required to state how much they will pay the city per tree for such removal.

AUSTIN H. BROWN,

*Chairman Committee on Streets and Alleys.*

Which was concurred in.

Mr. Coburn, from the Committee on Fire Department, made the following report :

INDIANAPOLIS, June 3, 1867.

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

The Committee on Fire Department, to whom was referred the bill of J. H. Vajen & Co., for hose furnished the city, would report that they have examined the bids and find that Vajen & Co. were the lowest bidders on the hose furnished. The bid of Vajen & Co., was one dollar and seventy-seven and 60-100 cents per foot in New York the freight to be added whatever it would be. The total cost of the hose, freight added, is one dollar and eighty-one cents and a fraction. Cottrell & Knight who complain that they have been badly treated in this matter, bid one dollar and ninety-five cents, delivered in this city, or thirteen and two-thirds cents more per foot, or two hundred and thirty-two dollars more than Vajen & Co., on the whole bill. We are unable to find any injustice done Cottrell and & Knight, and would recommend that Vajen and Co. be allowed their claim.

HENRY COBURN, } *Committee*  
J. H. KAPPES, }

Which was concurred in.

Mr. Goddard, from the Committee on Markets, made the following report :

INDIANALOLIS, June 3, 1867.'

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

GENTLEMEN:—Your Committee on Markets would respectfully offer for your favorable consideration, the following changes and improvements necessary in our opinion for the success of both markets.

At the East Market that a plank crossing be laid across the gutters and the sidewalks bouldered at the entrance and exit of the city scales.

That the well at the west end of East Market be repaired and erect an anti-freezing iron pump and have sink dug.

That the wood measurer be instructed to pay over to the City Treasurer, two-thirds of all the proceeds derived from the city scales at the East Market.

That all the holes on the market space be filled with good gravel, under the direction of the Civil Engineer.

That the butchers be requested to have their benches replaned and each have a chopping block.

That hay and wood wagons not be allowed to stand inside of the market space.

Recommend that the gutter on the south side of the West Market house be cleaned out.

That the ordinance regulating markets be revised so as to change the market days each month.

That a sufficient number of hitching posts with rails on top, be erected outside the market space to accommodate the market men.

That the Gas Company be notified to re-bowlder that part of North Tennessee street used as the wood market, where they have lately laid their mains.

Respectfully submitted,

JOHN B. MACARTHUR,	} Committee.
WM. H. HENSCHEN,	
SAMUEL GODDARD,	

Which was laid over for one week.

Mr. Kappes, from the Committee on Printing and Stationery, made the following report :

INDIANAPOLIS, June 3, 1867.

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

The Committee on Printing and Stationery respectfully report that on entering on the discharge of their duties they are met with doubts as to the powers of the Committee. Requisitions are made upon the Committee for orders for articles and work which look to the exercise of some discretion. It is probable that some, if not all of the articles or work, would, if left to the discretion of the Council, be ordered to be purchased or done, but your Committee, believing that all matters of expense ought to be well canvassed by the Council, prefer referring all requisitions of a doubtful nature to the Council for instruction. They therefore beg leave to submit the following requisitions for instructions.

Of L. H. Jameson, Wood Measurer, for the printing of wood tickets.

Of R. M. Patterson, Civil Engineer, for hand-saw, hand-axe and sledge handle.

Your Committee would suggest that the Council reconsider its action on the motion passed May 29th, directing your committee to have printed one thousand blank reports of the Board of Public Improvements, as in the opinion of the committee, the same is an unnecessary expense.

In regard to the matter of printing the proceedings of the Council, while your Committee are of the opinion that such printing is not actually necessary, they prefer the Council should decide the question whether the printing is of such convenience to its members and officers of the city as to justify its continuance or not. In case it be continued, the committee desire to state that the City Printer has made a written proposition to the committee,

to print the proceedings at \$1.25 per page, instead of \$1.50 per page, the amount charged during last year.

J. H. KAPPES,  
AUSTIN H. BROWN, } *Committee.*  
A. P. STANTON,

Mr. Seidensticker moved that the Committee be instructed to not have any tickets printed for the Wood Measurer, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

Councilman Woodburn voting in the negative—1.

So the motion was adopted.

Mr. Seidensticker then moved that the Committee be instructed to have the printing of the Council Proceedings continued.

Mr. Brown called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Colley, Davis, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker and Stanton—10.

Those who voted in the negative were Councilmen Brown, Geisel, Kappes and Woodburn—4.

So the motion was adopted.

Mr. Coburn moved that the Committee have the blank reports printed for the use of the Board of Public Improvements.

Which was not adopted.

On motion, so much of the report as relates to articles for Civil Engineer was concurred in.

On motion by Dr. Jameson, the Committee was instructed to purchase stationery and other articles which may be needed by the city whenever it could be obtained at the lowest rates.

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

INDIANAPOLIS, June 3, 1867.

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

GENTLEMEN:—Your Committee beg leave to introduce the Monthly and Weekly Reports of Contents of Register of City Hospital, together with an ordinance appropriating moneys for the payment of sundry claims on ac-

count of the City Hospital for the month of May, 1867, amounting to \$491 and 11 cents.

Respectfully,

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

Which was received.

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING MAY 25, 1867.

Number of patients in Hospital at last report.....	20
Number of patients received in Hospital since last report .....	2
Number of patients born in Hospital since last report .....	0
Number of patients discharged from Hospital since last report.....	9
Number of patients died in Hospital since last report.....	1
Number of patients remaining in Hospital at present report .....	12

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 1, 1867.

Number of patients in the Hospital at last report.....	12
Number of patients received in the Hospital since last report.....	0
Number of patients born in Hospital since last report .....	1
Number of patients discharged from Hospital since last report.....	0
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	13

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING MAY 31, 1867.

Number of patients in Hospital at last report .....	25
Number of patients received in Hospital since last report .....	9
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report.....	19
Number of patients died in Hospital since last report .....	3
Number of patients remaining in Hospital at present report.....	13

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING MAY 31, 1867.

Total expenditures for the month .....	\$491 11
Aggregate number of days for which subsistence, etc., was furnished.....	726
Average expense per capita per diem .....	\$0 67

Which were received and ordered to be spread upon the minutes.

Also, special appropriation ordinance No. 33—1867, entitled :

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

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

## REPORTS FROM CITY OFFICERS.

The City Auditor made the following report :

INDIANAPOLIS, May 27, 1867.

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

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

1st. First and final estimate allowed Daniel Collins for grading and graveling the alley running north and south through out-lot No. 85, between East, Liberty and Georgia streets and the Central Railroad track.

2d. Contract and bond of John Schier for grading and paving with brick so much of the north sidewalk on Louisiana street, between Meridian and Illinois streets, as has not heretofore been improved.

3d. Contract and bond of Wm. Kown for grading and graveling South street and sidewalks, except where the sidewalks have been heretofore improved, between Alabama and East streets.

4th. Contract and bond of Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on Delaware street, between Ohio and New York streets.

Respectfully,

JOHN G. WATERS, *City Auditor.*

*Resolved,* That the first and final estimate allowed Daniel Collins for grading and graveling the alley running north and south through out-lot No. 85, between East, Liberty and Georgia streets and the Central Railroad track, 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 Brown, Coburn, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the resolution was adopted.

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

The City Judge made the following report :

INDIANAPOLIS, June 1, 1867.

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

GENTLEMEN:—I have the honor to report that during that part of the month of May commencing with the 13th day, the time of my assumption of the duties of the office of City Judge, and ending with the close of the month, I collected the sum of two hundred and twenty-six dollars and eighty cents on account of forfeits for violation of the city ordinances, which amount I this day turned over to the City Treasurer, as will appear by the accompanying quietus issued by the City Auditor.

I am, gentlemen, very respectfully,

Your obedient servant,

JNO. N. SCOTT, *City Judge.*

Which was accepted and approved.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, June 3, 1867. }

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

GENTLEMEN:—The City Clerk would respectfully report the following affidavit filed in his office for the collection of street assessment by precept, as follows :

Richard Carr in behalf of Messrs. Huffer and Carr, against Hoyt, Stone et al for - - - - - \$43 60

And would recommend that you order the precept to issue.

Respectfully, D. M. RANDELL, *City Clerk.*

Which was accepted and approved and the precept ordered.

The City Civil Engineer made the following report :

INDIANAPOLIS, June 3, 1867.

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

I hereby respectfully report the following amount of work finished according to contract.

James Rollings and John Huffer for grading and graveling alley running east and west between Elm and Huron streets, from Cedar street to the first cross alley.

Length of north side - - - - - 360 feet

Length of south side - - - - - 360 feet

Total length of both sides - - - - - 720 feet

At nineteen and one half cents per lineal foot on each side 19½

Total - - - - - \$140 40

Also that I am informed by Mr. Staples that he has ordered five gross of the McHenry gas burners, but they have not arrived yet.

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

Which was accepted and approved, and the City Auditor directed to prepare and report estimates.

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

INDIANAPOLIS, June 3, 1867.

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

I hereby respectfully report the following amount of work finished according to contract.

William Kown for grading and graveling alley running east and west, between Delaware and Alabama streets, through out-lot number one hundred and seventy-five, at twenty-six cents per lineal foot on each side.

Length of north side, - - - - - 455 feet.

Length of south side, - - - - - 455 "

Total length of both sides, - - - - - 910

At 26 cents per lineal foot on each side, - - - - - 26

Total, - - - - - \$236 60

Respectfully submitted,

R. M. PATTERSON, *Civil Engineer.*

Which was accepted and approved, and the City Auditor directed to prepare and report estimates.

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

INDIANAPOLIS, June 3, 1867.

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

I hereby respectfully report the following work done according to contract. The Indianapolis Gas Light and Coke Company, for erecting lamp posts, lamps and fixtures on Pennsylvania street and Madison Avenue, between South and McCarty streets.

Length of west side	-	-	-	-	-	1762½ feet
Length of east side	-	-	-	-	-	1741 ft 8 inches
Total length on both sides	-	-	-	-	-	3504 ft 2 inches
Four corner posts \$35	-	-	-	-	-	140
Ten intermediate posts at \$33 per post	-	-	-	-	-	330
Total	-	-	-	-	-	\$470

Respectfully submitted,  
R. M. PATTERSON, *Civil Engineer.*

Which was accepted and approved, and the City Auditor directed to prepare and report estimates.

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

INDIANAPOLIS, June 3, 1867.

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

I hereby respectfully report that J. H. Robinson, contractor for cutting a new channel for Pogue's Run from Illinois street to Central Canal, has done work according to his contract, which is equal to 244 lineal feet, at 85 cents per foot, is \$207.40.

Respectfully submitted,  
R. M. PATTERSON, *Civil Engineer.*

Which was concurred in, and the City Auditor directed to embrace the same in the next ordinance allowing accounts.

The City Attorney made the following report :

INDIANAPOLIS, May 29, 1867.

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

GENTLEMEN:—I have examined the questions presented by the communication of Lieut. John W. Coons, and respectfully submit the following:

Some weeks ago I was requested to examine the questions presented by the communication of Lieut. Coons, and in answer to the request examined the question and prepared an opinion. I transmit that request and opinion herewith. At the time I examined the question I presented my opinion to Hon. James Morrison and requested him to examine the question and give an opinion. After an examination Judge Morrison concurred in the opinion which I had prepared.

I have again carefully examined the question and am strengthened in the conclusion stated in the opinion referred to.

The office of Auditor was created by the law which gave this city the authority to elect and qualify officers. The term of office is prescribed by that law, and Council has no power to lengthen or shorten the term. The Charter of the City, so far as the legislative power of the Council is concerned, bears the same relation to the powers of Council that the Constitution of the State does to the Legislature of the State. Offices created by the Constitution can be abolished only by the Constitution. *Coffin vs. The State*, 7 Ind.

157. In the case of *The Governor vs. Nelson*, 6 Ind. 496, it was held that the act of the Legislature assuming to abridge the terms of office of persons elected to office, where terms were fixed by the Constitution, was unconstitutional and void. The Council possess only such powers as the Charter confers, and can exercise them only in the manner provided. The term of office is fixed by the Charter, and if there is an election it must be for the term provided by Charter. If it were otherwise the Council might remove any officer at their pleasure and shorten or lengthen the term at their option. In the case of *Stocking vs. The State*, 7 Ind. 326, it is decided that the Legislature cannot by any declaratory enactment make a vacancy in an office created by the Constitution. I think the same rule should apply in this case, and that the office of Auditor was not at the time of Lieut. Coons' election vacant, nor can it be now so declared. The term of the present Auditor will expire two years from the date of his election, and it may be, though I give no opinion on this point, not having examined the question sufficiently, that the petitioner will then be entitled to the office.

Respectfully,

B. K. ELLIOTT, *City Attorney*.

Which was received and ordered to be spread upon the minutes.

The City Attorney, also, made the following report:

INDIANAPOLIS, June 3, 1867.

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

GENTLEMEN:—I have examined the ordinance respecting an allowance to the Election Board for Clerks. I think that as the question was by your honorable body referred to the Election Boards for decision, that clerks employed by them should be paid. I do not think the provisions of the law mandatory and am of the opinion that the employment of two clerks was not a wrongful or illegal act.

I would respectfully suggest that many matters are referred to me in such a general manner that I am often unable to determine what point you desired considered and would therefore most respectfully request that your honorable body instruct me to consider and report upon such points or questions as you may desire an opinion upon.

Respectfully

B. K. ELLIOTT, *City Attorney*.

Which was concurred in.

#### ORDINANCES ON SECOND READING.

Mr. Stanton called up special appropriation ordinance No. 32—1867, which was read the second time and ordered to be engrossed.

Mr. MacArthur called up special appropriation ordinance No. 31—1867, which was read the second time, and ordered to be engrossed.

#### ORDINANCES ON THIRD READING.

Mr. Coburn called up special appropriation ordinance No. 29—1867, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims against the City of Indianapolis,

And reported that the Committee on Fire Department had exam-

ined the account of J. H. Vajen for rubber hose, &c., and found the same to be correct; and, also, asked the consent of the Council to insert the same in the ordinance.

Which was granted.

Mr. Coburn then moved to strike out the account of Geo. W. Parker, and refer the same back for correction.

Which was adopted.

The ordinance was then read the third time and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Coburn called up special appropriation ordinance No. 30—1867, entitled:

AN ORDINANCE, appropriating moneys for the payment of Inspectors, Judges and Clerks of the late City election,

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 Brown, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker, Stanton and Woodburn—13.

Councilman MacArthur voting in the negative—1.

So the ordinance passed.

On motion by Mr. Seidensticker the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANDELL, *City Clerk*.