

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
SATURDAY, JUNE 8, 1867, 7½ O'CLOCK, P. M. }

The Common Council met in adjourned session.

Present—Hon. Sims A. Colley, President *pro tem.*, in the chair,
and the following members :

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

Absent—Councilmen Burgess and Cottrell—2.

The Chairman announced that the special order of business was the resuming of the trial of August Richter, Street Commissioner.

B. K. Elliott, Esq., City Attorney, appeared for the prosecution, and John L. Ketcham, Esq. for the defendant.

The Chairman stated that all motions, remarks, &c., would be confined to the Attorneys of the respective parties.

Mr. Coburn, from the Select Committee, to whom was referred back the charges and specifications made at a former meeting, for correction, then submitted the following report :

INDIANAPOLIS, June 8, 1867.

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

MR. PRESIDENT:—The Committee, to whom was referred the charges against August Richter, in obedience to, and acting upon the instructions of the Council, have made more definite and certain the charges heretofore made by the Committee appointed by your body. They respectfully report said charges and specifications as follows:

Charge 1st. Official misconduct as Street Commissioner in grading and graveling streets and alleys without proper authority.

Specification 1st. Grading and graveling an alley running through out-block No. 154, in said city, without having been ordered or directed so to do by the Common Council of said City.

Charge 2d. Permitting persons in the employ of and paid by said city to labor and work upon private property for the benefit of private individuals.

Specification 1st. Permitting and causing employees of said city to work and labor upon the property of private individuals, to-wit, upon and about certain real estate situate on McNabb street, south of the Union Railway Depot, said employees being then and there paid by the said city, said work and labor being done for the benefit of private individuals.

Charge 3d. Violating law in paying persons under his control as laborers and employees of the city upon the Sabbath day.

Specification 1st. By habitually paying persons employed by him as Street Commissioner for said city upon the Sabbath day.

Charge 4th. Improperly taking and filling up receipts executed by employees of said city.

Specification 1st. By habitually, in the transaction of the business of the office of Street Commissioner, taking receipts in blank from the employees of said city and filling said blanks himself, this during his term of office as Street Commissioner of said city, and while engaged in the discharge of the duties of said office.

Charge 5th. Breach of official duty in appropriating to his use and benefit the labor of employees of said city.

Specification 1st. Causing and permitting one David Gilchrist, an employee of said city, to perform labor upon and about the premises of said Richter situate on Virginia Avenue in said city, said Gilchrist for such labor being then and there paid by the said City of Indianapolis; this at the City of Indianapolis August, 1866.

Specification 2d. By causing teams and persons employed and paid by said city to haul and deposit dirt and other material upon the aforesaid premises of said Richter.

Charge 6th. Breach of official duty by improperly appropriating and disposing of property and material belonging to said city.

Specification 1st. Using upon his own private property material belonging to said city, to-wit, sand, gravel and earth.

Specification 2d. Selling property of said city, such as stone, iron lumber and earth, without the proper authority from the Common Council.

Specification 3d. Disposing of sand, earth and gravel in violation of section 12 of an ordinance passed December 28, 1863—Revised Ordinances page 170.

Charge 7th. Breach of duty by having failed to account for property of said city.

Specification 1st. By having received from R. P. Dunning twenty-three dollars for bowlders belonging to said city, which bowlders were used by said Dunning in bowldering gutter on Pratt street, between Meridian and Illinois streets. This amount is included in receipts filed by said Richter with City Clerk, numbered 762.

Respectfully,

HENRY COBURN,
J. H. WOODBURN, } *Committee.*
AUSTIN H. BROWN, }

On motion by Mr. Brown, the report was concurred in, and the trial proceeded with, and the charges and specifications taken up *seriatim*.

The first charge being "for grading and graveling an alley running through out-block No. 154," Mr. Goddard, Mr. Bernhamer, Mr. Sloan, and Mr. Richter witnesses for the prosecution, were examined.

After having heard the witnesses, the question being, "shall the charges be sustained?"

No Councilman voting in the affirmative.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Stanton and Woodburn—13.

So the charge was not sustained.

The second charge being "for permitting and causing employees of the city to work and labor upon the property of private individuals," &c., Messrs. Kappes, Schmidt, Naltner, Seidensticker and Richter witnesses, were examined.

After being heard, the question being, "shall the charge be sustained?"

No Councilman voting in the affirmative.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Stanton and Woodburn—14.

So the charge was not sustained.

On motion by Dr. Jameson, the Council adjourned to meet on Tuesday evening, June 11th, 1867, at 7½ o'clock, P. M., for further consideration of the case.

SIMS A. COLLEY, *President pro tem.*

ATTEST:

D. M. RANDELL, *City Clerk.*