

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JUNE 24TH, 1867, 7½ O'CLOCK, P. M. }

The Common Council met in regular session.

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

Messrs. Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

Absent—Councilman Coburn, Cottrell, MacArthur, Schmidt and Woodburn—5.

The proceedings of the regular session held June 17th, 1867, and of the adjourned session held on the 20th of June, 1867, were read and approved.

Dr. Jameson moved that the rules be suspended and business resumed in the order in which it was left off at last meeting.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the rules were suspended, and the reports of Officers taken up.

The City Attorney made the following report :

INDIANAPOLIS, June 24, 1867.

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

GENTLEMEN:—I have examined the questions arising upon the communication of the School Trustees, and respectfully submit the following opinion :

If the law providing for the levy and collection of taxes is constitutional, and until it is otherwise decided by a judicial tribunal it ought to be so treated, the taxes levied by the Council should be certified to the County Auditor and by him placed on the county duplicate for collection.

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 24, 1867.

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

GENTLEMEN:—Two questions have been submitted to me by the Assessor with the request that I should report my opinion to your honorable body.

First. What portion of the railroad track is to be estimated for the purpose of taxation?

To this I answer—the main or principal tracks, and not side tracks or switches.

Second. Is the money actually used in business, transacted at the place of business within the city, subject to taxation, the individual using it not being a resident of the city but transacting business within the city?

This question I answer in the affirmative.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

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

The City Clerk made the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, June 24, 1867. }

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

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

S. J. Smock, in behalf of Cogill, Smock and Cogill, against Charles C. Campbell, for	-	-	-	-	\$331 42
Thomas Wren against Samuel Binkley, for	-	-	-	-	54 70
Thomas Wren against Sarah Reading, for	-	-	-	-	35 61
Thomas Wren against Sarah and Alexander D. Reading, for	-	-	-	-	9 00
Thomas Wren against Samuel Binkley, for	-	-	-	-	216 00

And would recommend that you order the precepts to issue.

Respectfully,

D. M. RANDELL, *City Clerk.*

Which was concurred in, and precepts ordered to be issued.

The City Civil Engineer made the following report :

INDIANAPOLIS, June 24, 1867.

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

Permit me to report the following work finished according to contract :

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

Length of north side,	-	-	-	-	1265 feet.
Length of south side,	-	-	-	-	1265 "
Total length,	-	-	-	-	2530 "
At 77 cents per lineal foot,	-	-	-	-	\$1,948 10

Also, that the petition of Cogill, Smock and Cogill, asking damages on account of change in line of street on their contract in the south end of East street should not be allowed, as I am of the opinion that it will not cost any more to complete the work on the present line than it would on the former.

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

Which was concurred in.

Charles Richmann, late Chief Fire Engineer, submitted his Annual Report.

Which was received, and ordered to be printed in pamphlet form and spread upon the written record.

The City Auditor made the following report :

INDIANAPOLIS, June 24, 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 the Indianapolis Gas Light and Coke Company for erecting lam-posts, lamps and fixtures on Bluff Road, between McCarty and Ray streets.

2d. First and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on Delaware street, between Ohio and New York streets.

3d. First and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on the north side of South street, between East and School streets.

4th. Contract and bond of Wm. Kown for grading and graveling Noble street and sidewalks, between Washington and North streets.

5th. Contract and bond of Daniel Mahoney for grading and graveling Michigan street, between Noble and Davidson streets.

6th. Contract and bond of the Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on Tennessee street, between Washington and Ohio streets.

Respectfully, JOHN G. WATERS, *City Auditor.*

Which was concurred in.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate allowed the Indianapolis Gas Light and Coke Company, for erecting lamp posts, lamps and fixtures on Delaware street, between Ohio and New York streets, 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 Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the resolution was adopted.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp posts, lamps and fixtures on Bluff Road, between McCarty and Ray streets, 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 Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the resolution was adopted.

Also, the following resolution :

*Resolved*, That the foregoing first and final estimate allowed the Indianapolis Gas Light and Coke Company, for erecting lamp posts, lamps and fixtures on the north side of South street, between East and School 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 Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

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.

His Honor, the Mayor, presented the following report :

INDIANAPOLIS, June 24, 1867.

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

GENTLEMEN :—The amount of fines collected by me, as Mayor, during the month of May, 1867, was \$76.10, which amount I have paid to the City Treasurer, as shown by duplicate quietus of City Auditor attached hereto.

Respectfully submitted,

J. CAVEN.

Which was received.

#### ORDINANCES ON SECOND READING.

Dr. Jameson called up special ordinance No. 48—1867, which was read the second time, and ordered to be engrossed.

Dr. Jameson called up special ordinance No. 98—1866, which was read the second time and ordered to be engrossed.

Dr. Jameson called up special ordinance No. 99—1866, which was read the second time and ordered to be engrossed.

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

Mr. Goddard called up special ordinance No. 42—1867, which was read the second time and ordered to be engrossed.

Dr. Jameson called up special ordinance No. 46—1867, which was read the second time and ordered to be engrossed.

#### ORDINANCES ON THIRD READING.

Dr. Jameson called up special ordinance No. 35—1867, 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 Brown, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up special ordinance No. 34—1867, entitled :

AN ORDINANCE to provide for grading and graveling Gregg street, between New Jersey and East streets, including sidewalks,

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 Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker called up special ordinance No. 19—1867, entitled:

AN ORDINANCE to provide for the erection of gas lamp-posts on McNabb st., between Illinois and Meridian streets,

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 Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker and Stanton—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker called up 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 third time, and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Seidensticker, and Stanton—12.

No Councilman voting in the negative.

So the ordinance passed.

#### UNFINISHED BUSINESS.

Dr. Jameson asked to be excused for the remainder of the evening.

Which was granted.

Mr. Davis presented the following petition :

INDIANAPOLIS, June 24, 1867.

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

GENTLEMEN:—You are aware that I have been fined for a nuisance. I have lately taken the Bates House, and supposed that the city was properly drained, and such conveniences to carry off the slops as is necessary. I pray your honorable body to grant me all the privileges in your power to assist me, as I will at once lay a pipe (six inch) to Pogue's Run, if you will grant me the right of way down the west side of Illinois street to said point: Yours,  
E. SEYMOUR.

Which was granted.

Mr. Davis, also, offered the following motion :

That the City Attorney be directed to prepare an ordinance to prevent the driving over hose when laid on the street.

Which was adopted.

Mr. Kappes offered the following motion :

That the Council proceed by ballot, at the next regular meeting, to elect six citizens to act as members of the Board of Directors of the City Hospital, to-wit:

One from the Third Ward, to serve for 3 years—Mr. Wm. Braden's term having expired June 4, 1867.

One from the Fifth Ward, to serve for 2 years, in place of Mr. Laz. B. Wilson, resigned.

One from the Sixth Ward, to serve for 3 years—Dr. Newcomer's term having expired June 4, 1867.

One from the Seventh Ward, to serve for 3 years—Mr. S. V. B. Noel's term having expired June 4, 1867.

One from the Eighth Ward, to serve for 2 years, in place of G. W. Buchanan, Chief of Fire Department.

One from the Ninth Ward, to serve for 1 year, in place of Alex. Graydon, Sr., declined.

Which was adopted.

Mr. Kappes, also, offered the following motion :

That the Street Commissioner be instructed to fill the mud hole on the north side of St. Mary's street, east of Delaware street.

Which was adopted.

Mr. Loomis presented the following petition :

INDIANAPOLIS, June 22, 1867.

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

The undersigned, property holders and residents on Buchanan street, between Wright and McKernan streets, do hereby most respectfully petition your honorable body to have the mud hole or pond, as it might more properly be called, near the end of McKernan street, between the aforesaid sts.,

filled up. The stagnant water which stands in said pond is very injurious to the health and comfort of ourselves and families.

Henry T. Brattain,  
Alison S. Ray,  
Thomas Dalton,

J. Y. Spicer,  
Robert Moore,  
And 13 others.

In reference to which Mr. Loomis offered the following motion :

That the within petition be referred to the City Auditor, with instructions to report the proper resolution in such cases made and provided, and report the same to the next meeting of this Council.

Which was adopted.

Mr. Loomis presented the following bond :

Know all men by these presents, that we are firmly held and bound unto the Indianapolis Gas Light and Coke Company, in the sum of five hundred dollars, upon the condition following, to-wit:

Whereas, a petition has been presented to the Common Council of the City of Indianapolis, praying that main and service pipes be laid on Noble street, between Washington street and Louisiana street, and the said Indianapolis Gas Light and Coke Company are about to lay such pipes: Now, if the citizens along the line of said street, between the limits aforesaid, shall take and use, consuming to each burner the fair average amount of gas consumed in the vicinity of such street, fifteen or more burners to each space of five hundred and ten feet along the street where such pipes are laid, this obligation shall be void, else in force.

Witness our hands and seals this 18th day of June, 1867.

Michael Lawless,	-	-	-	-	-	5	burners.
Thomas Griffin,	-	-	-	-	-	3	"
William Niemeyer,	-	-	-	-	-	6	"
G. C. Krug,	-	-	-	-	-	5	"
Lewis Heid,	-	-	-	-	-	3	"
Michael O'Connor,	-	-	-	-	-	8	"
Jacob Wittlinger,	-	-	-	-	-	7	"
A. Forgson,	-	-	-	-	-	3	"
Total burners,	-	-	-	-	-	50	

In reference to which Mr. Loomis offered the following motion :

That the bond in reference to lighting Noble street with gas be referred to the City Auditor, with instructions to prepare the proper ordinance, and report the same to this Council at its next regular meeting.

Which was adopted.

Mr. Loomis introduced special ordinance No. 46—1867, entitled:

AN ORDINANCE providing for the bowldering of the gutter on the west side of Alabama street, between Washington street and Virginia Avenue,

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

Mr. Loomis introduced special ordinance No. 47—1867, entitled :

AN ORDINANCE to provide for the bowldering of Virginia Avenue with bowlder stone, from Pogue's Run to the south-east Donation line of the City of Indianapolis,

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

Mr. Burgess introduced special ordinance No. 48—1867, entitled :

AN ORDINANCE to provide for the paving with brick the west sidewalk on Pennsylvania street, and curbing the outside edge with Flat Rock or North Vernon stone, between Washington street and the Union Railway track,

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

Mr. Burgess offered the following motion :

That E. S. Alvord be directed by the Civil Engineer to replace a gas post that was removed by him at the time of the building of Alvord's Block on Meridian street.

Which was adopted.

Mr. Stanton offered the following motion :

That the Street Commissioner be directed to procure the necessary stringers and other material needed to repair the bridge over the Canal on Vermont street.

Which was adopted.

Mr. Stanton presented the following communication :

INDIANAPOLIS, June 24, 1867.

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

GENTLEMEN:—I respectfully ask leave of absence for a few weeks from Monday next. I make this request because of ill health.

The business of the office, and there will be only such as reporting to you upon matters referred and attendance at the Police Court, will be attended to during my absence by my partner, Col. J. B. Black. Col. Black will be in constant communication with me during my absence, and should there be any matter upon which he should desire to consult me, he will be able to do so.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was received, and the request granted.

Mr. Stanton offered the following motion :

That a special committee of three be appointed to determine upon and report for the confirmation of the Council the best plan for affixing the names of the streets at the various street corners in this city.

Which was adopted.

His Honor, the Mayor, appointed as such Committee Councilmen Stanton, Geisel and Woodburn.

Mr. Geisel offered the following motion :

That Police powers be conferred on Henry Kalb and Frederick Schulmeyer, Lamp-Lighters, in order that they may arrest and bring to justice unruly boys who are in the habit of breaking the glass in the City Lamp-Posts.

Which was adopted, and referred to Police Board, with instructions to report an ordinance, and with additional instructions to Clerk to supply copies of ordinance to Board.

Mr. Geisel, also, offered the following motion :

That the City Marshal be directed to take up no more hogs until directed to go ahead again by this Council.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Colley, Geisel, Henschen, Kappes, Seidensticker and Stanton—6.

Those who voted in the negative were Councilmen Brown, Burgess, Davis, Goddard and Loomis—5.

So the motion was adopted.

Mr. Geisel, also, offered the following motion :

That the Street Commissioner be directed to raise the sidewalks and gutters on Vermont street, between Railroad and Winsten streets, so as to drain said street, and the Civil Engineer is hereby directed to set the grade stakes.

Which was referred to the Councilmen from the Ward.

Mr. Davis offered the following motion :

That the City Marshal be, and is hereby, directed to cause all obstructions to be removed from Railroad Avenue, between the first alley running east and west through Square 98 and Pogue's Run.

Which was adopted.

Mr. Colley offered the following motion :

That the City Attorney be requested to give his opinion as to whether a sale for delinquent city taxes can be held without including taxes for the current year assessed against the same property, and whether such sale can be had at a time before a legal demand can be made by the Treasurer for current taxes.

Which was adopted.

Mr. Brown offered the following motion :

That Spielhoff & Prange, contractors for building a business house for Henry Greenert, be allowed the privilege of placing earth and gravel taken from

cellar of said building in the mud holes and low places on South street, between Pennsylvania and Delaware streets, provided the same be done at their own expense.

Which was adopted.

Mr. Seidensticker offered the following motion :

That the City Treasurer be directed to pay out all sums received by him from the sale of hogs, to the persons entitled thereto, without any special appropriation, but according to section one of the ordinance passed April 12, 1862.

Which was adopted.

Mr. Brown offered the following motion :

That the action of the City Auditor in issuing orders on the City Treasurer, on the certificate of the City Marshal, then acting Street Commissioner, be concurred in by this Council, the Auditor being under the impression that the ordinance passed on the 29th day of May made the appropriation, which was a mistake.

Which was adopted.

Mr. Davis offered the following motion :

That the Committee on Bridges be directed to prepare a bill of lumber of suitable sizes to build bridges, to the amount of one hundred thousand feet, and when the said bill is prepared by said committee, and filed with said City Auditor, he is directed to advertise for proposals to furnish the said bill of lumber.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Chief Fire Engineer contract with Samuel Lefever, the contractor for building the bridge over Pogue's Run on McNabb street, to put in two cistern rings, one in each arch of said bridge, to cost not to exceed five dollars each, exclusive of the castings, which will be furnished by the said Chief Fire Engineer.

Which was adopted.

Mr. Goddard offered the following motion :

That the City Auditor report in the ordinance of accounts the sum of \$4.50 cents to Gideon Reick, and the sum of \$4.50 cents to Augustus Kinnan for two days work each in superintending the hands on the chain-gang, on the city's work on West street.

Which was adopted.

Mr. Goddard introduced special ordinance No. 49—1867, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures, complete, to burn gas, except the service pipe, on Kentucky Avenue, between Washington and Georgia streets,

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

Mr. Davis offered the following motion :

That the practice of putting ball and chain on men on the public streets be discontinued.

Which was referred to the Judiciary Committee with instructions to prepare an ordinance.

Mr. Goddard introduced special appropriation ordinance No. 35—1867, entitled :

AN ORDINANCE appropriating the sum of one thousand dollars for the use of the Street Commissioner, for the purpose of repairing bridges, &c.,

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

Mr. Brown, from Select Committee, submitted the following report :

INDIANAPOLIS, June 24, 1867.

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

The Select Committee on Rules, to whom was referred an ordinance, a motion of Mr. Loomis, and the general subject of amending the Rules of the Council, beg leave to report the following ordinance.

The Committee, also, report back general ordinance No. 81, without any recommendation, believing the Council to be the best judge as to the times of meeting of the Council.

AUSTIN H. BROWN, }  
A. SEIDENSTICKER, } *Committee.*  
A. P. STANTON, }

Which was received.

Mr. Brown introduced general ordinance No. 89, entitled :

AN ORDINANCE prescribing Rules and Regulations for the government of the City Council, its officers, and officers connected with the city government,

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

On motion by Mr. Colley, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANSELL, *City Clerk.*