

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, JULY 22, 1867, 2 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:

Councilmen Brown, Coburn, Cottrell, Davis, Geisel, Goddard,
Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker
and Woodburn—13.

Absent—Councilmen Burgess Colley, Schmidt and Stanton—4.

Business was resumed in the order in which it was left off at last
regular meeting, viz: reports of officers:

The City Attorney made the following report:

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

INDIANAPOLIS, July 22, 1867.

GENTLEMEN:—I have examined the questions referred to me by the motion
of Dr. Jameson, in relation to the vacation of a portion of Biddle street, and
am clearly of the opinion that the Council can, in this case, grant the prayer
of the petition without violating the law, and without incurring damages
against the city.

I have thought it unnecessary to detain you with my reasons for this
opinion, but will, if you so wish, give them.

Very respectfully submitted,

JAMES B. BLACK, *Dep'y City Att'y.*

Which was received, and the matter of vacation deferred one week.

The City Attorney, also, made the following report :

INDIANAPOLIS, July 22, 1867.

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

GENTLEMEN:—I have examined the resolution instructing the City Auditor to "audit no accounts in favor of members of the Common Council in excess of one hundred and fifty dollars per annum on account of their salaries," and respectfully report that section fifty-one of the Revised Charter provides that such compensation of one hundred and fifty dollars shall cover all services, of whatever description, rendered by any member in his capacity of member of the Common Council, and the Council may properly instruct the Auditor to audit no accounts for such services in excess of such sum per annum.

Respectfully submitted,

JAMES B. BLACK, *Deputy City Attorney.*

Mr. Brown moved to lay the report on the table.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Brown, Geisel, Henschen, Jameson, Loomis, MacArthur and Seidensticker—7.

Those who voted in the negative were Councilmen Cottrell, Davis, Kappes and Woodburn—4.

So the motion to lay on the table was adopted.

The City Attorney, also, made the following report :

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

INDIANAPOLIS, July 22, 1867.

GENTLEMEN:—I have examined the communication of Messrs. Hanna & Kneffler, concerning the Sheriff's fees, and the ordinance in relation to the payment of sheriffs' fees by the city, and respectfully submit the following opinion :

The Sheriff not being an officer of the municipal corporation, but of the State, the Council cannot impose upon him any duty not already required of him by the laws of the State.

Section twentieth (20) of the charter of 1867 provides, among other things, that "the keeper of such prison or workhouse shall receive, for the keeping, custody and boarding of said defendant, fifty cents per day, to be paid by such city upon the presentation of an itemized account therefor, and he shall receive only one commitment and one discharging fee."

The keeper referred to is the Sheriff; and all that the Council can require from him, previous to payment of such fees, is the presentation of an itemized account therefor.

But the city may, of course, be allowed to ascertain for itself whether such account is correct, and for that purpose may specify by ordinance what course its own officers shall take to ascertain such fact; and make it their duty, on finding the existence of a certain state of facts, to pass such account as correct, audit and pay the same, or to require the correction of such account, as the case may be.

Of what, then, should the account presented by the Sheriff consist? and how shall the city ascertain whether such account, correct in form, is also true in fact?

I suppose such account will be an itemized account within the meaning of the charter if it contain the names of all prisoners committed for violations of ordinances of the city during the period covered by such account,

with the number of days each prisoner was kept in custody and boarded, and the number of commitment and discharging fees charged corresponding with such number of prisoners.

When such an account is submitted to the City Auditor and by him found to be correct in form, and passed to the City Judge, by what rule shall he determine, on comparing such account with his records, whether it is true? or, rather, by what rule shall the City Judge make up his records in contemplation of this comparison?

He can easily know in each case when the prisoner was committed and when discharged. What, then, shall he be instructed to consider as a day?

I think that in the case in question the word "day" signifies a period of twenty-four hours, and that it was not the intention of the Legislature that the hour of midnight should separate such period so as to make two days of it; that it is a liberal construction of the law to allow the Sheriff fifty cents for every twenty-four hours, and every fraction above a full period or full periods of twenty-four hours.

I respectfully submit an ordinance which I think will remedy the defects of the existing ordinance.

Respectfully submitted,

JAMES B. BLACK, *Deputy City Attorney.*

Which was concurred in.

The City Attorney introduced general ordinance No. 93—entitled:

AN ORDINANCE amendatory of section six of an ordinance providing the manner in which certain claims against the city shall be audited and paid, and prescribing the duties of city officers thereto,

Which was read the first time by its title.

ORDINANCES ON SECOND READING.

Mr. Geisel called up special ordinance No. 53—1867, entitled:

AN ORDINANCE to provide for grading and graveling Charles street, between Peru and St. Clair streets, including the sidewalks,

Which was read the second time and ordered to be engrossed.

Dr. Woodburn called up special ordinance No. 57—1867, entitled:

AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete, to burn gas, except the service pipe, on North street, between Illinois and Tennessee streets,

Which was read the second time and ordered to be engrossed.

Mr. Henschen called up special ordinance No. 56—1867, entitled:

AN ORDINANCE to provide for grading and graveling the alley running east and west through out-lot 86, between Noble and Liberty streets,

Which was read the second time and ordered to be engrossed.

Mr. Brown called up special ordinance No. 54—1867, entitled:

AN ORDINANCE to provide for paving with brick the east sidewalk of Meridian street, between Washington and Maryland streets, except so much of such sidewalk as has heretofore been paved with brick or flag stone,

Which was read the second time and ordered to be engrossed.

Mr. Brown called up special ordinance No. 55—1867, entitled :

AN ORDINANCE to provide for the curbing with stone the north sidewalk on Louisiana street, between Meridian and Illinois streets, except so much thereof as is already so curbed,

Which was read the second time and ordered to be engrossed.

Mr. Goddard called up special ordinance No. 50—1867, entitled :

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

Which was read the second time and ordered to be engrossed.

Mr. MacArthur called up special appropriation ordinance No. 43—1867, entitled :

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

Which was read the second time and ordered to be engrossed.

Mr. MacArthur called up special ordinance No. 52—1867, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps, and fixtures complete, to burn gas, except the service pipe, on California street, between New York and Michigan streets.

Which was read the second time and ordered to be engrossed.

Dr. Jameson called up general ordinance No. 92, entitled :

AN ORDINANCE providing for the weighing of coal,

Which was read the second time and ordered to be engrossed.

Mr. Seidensticker called up general ordinance No. 78, entitled :

AN ORDINANCE supplementary of an ordinance regulating the numbering of houses on the different streets of the city of Indianapolis.

Mr. Davis moved to lay the ordinance on the table, and called for the ayes and noes.

The question being to lay the ordinance on the table, those who voted in the affirmative were Councilmen Cottrell, Davis and Henschen—3.

Those who voted in the negative were Councilmen Brown, Coburn, Geisel, Goddard, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—9.

So the motion to lay on the table was not adopted.

Mr. MacArthur called up general ordinance No. 89, entitled :

AN ORDINANCE regulating the Markets of the city of Indianapolis,
Which was read the second time.

Mr. Brown moved to indefinitely postpone the ordinance, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Geisel, Kappes and Seidensticker—6.

Those who voted in the negative were Councilmen Davis, Goddard, Henschen, Loomis, MacArthur and Woodburn—6.

There being a tie vote, His Honor, the Mayor, gave the casting vote in the affirmative.

So the motion to indefinitely postpone was adopted.

ORDINANCES ON THIRD READING.

Mr. MacArthur called up special appropriation ordinance No. 43—1867, entitled :

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

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, Coburn, Cottrell, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—11.

Councilman Davis voting in the negative.

So the ordinance passed.

Mr. Cottrell called up special ordinance No. 32—1866, entitled :

AN ORDINANCE to provide for grading and graveling the first alley south of Pogues Run, running east and west, between New Jersey and East 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, Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur called up special ordinance No. 6—1867, entitled:

AN ORDINANCE to provide for grading and graveling the west sidewalk on Douglass street, between New York and Vermont 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, Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown called up special ordinance No. 55—1867, entitled:

AN ORDINANCE to provide for curbing with stone the north sidewalk on Louisiana street, between Meridian and Illinois streets, except so much thereof as is already so curbed,

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, Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown called up special ordinance No. 54—1867, entitled:

AN ORDINANCE to provide for paving with brick the east sidewalk of Meridian street, between Washington and Maryland streets, except so much of such sidewalk as has heretofore been paved with brick or flag stone,

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, Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown moved a suspension of the rules for the purpose of opening sealed proposals.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis,

Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

No Councilman voting in the negative.

So the rules were suspended.

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

UNFINISHED BUSINESS.

Mr. Kappes offered the following motion :

That the Street Commissioner be, and is hereby directed to fill up the hole on St. Mary street between Delaware and Alabama streets.

Which was adopted.

Mr. Kappes presented the following petition :

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

INDIANAPOLIS, IND., July 22, 1867.

GENTLEMEN:—I hereby petition for the privilege of selling at auction in the city of Indianapolis, for one year.

A. L. HUNT.

Which was granted, and ordered that the license should be issued upon the receipt of the Treasurer.

Mr. Kappes presented the following petitions :

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

INDIANAPOLIS, July 22, 1867.

GENTLEMEN:—We, the undersigned, occupants of property on the north side of Washington street and east of Meridian street, petition your honorable body for the removal of the pump on said Washington street, in front of room No. 14.

There being no drainage for the waste water from said pump, it accumulates and becomes stagnant in front of our premises, and thereby becomes a nuisance.

JAMES E. ROBERTSON,

JOHN H. OHR, Agent Adams Express Co.,

WILEY & MARTIN.

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

INDIANAPOLIS, July 22, 1867.

GENTLEMEN:—We, the undersigned, occupants of property on the north side of Washington street and east of Meridian street, petition your honorable body for a sink for the pump on said Washington street, in front of room No. 14.

There being no drainage for the waste water from said pump, it accumulates and becomes stagnant in front of our premises, and thereby becomes a nuisance.

Lindley & Co.,

J. H. Baldwin & Co.,

Citizens National Bank,

Indiana National Bank.

Which were received, and the Street Commissioner directed to remove the handle of the pump until a sufficient drain is constructed.

Mr. Geisel offered the following motion :

That the papers in regard to extension of Winston street, now on file with the City Clerk, be referred to the City Commissioner.

Which was adopted.

Mr. Henschen offered the following motion :

That Messrs. Moore and Logan be permitted to bail tar or pitch on out-lot 103, until otherwise ordered by the City Council.

Which was adopted.

Mr. MacArthur offered the following motion :

That the Civil Engineer have permission to buy a load of stake timber.

Which was adopted.

Mr. Cottrell offered the following motion :

That the Committee on Public Improvement be instructed to examine the gutter on the west side of New Jersey street, between Washington street and Pogues Run, and report to this Council what, in their opinion, would be the best manner to carry off the water from said street.

Which was adopted.

Mr. Seidensticker offered the following motion :

That the City Auditor be directed to readvertise for proposals to put up lamp-posts on McNabb street.

Which was adopted.

Mr. Seidensticker offered the following motion :

That the Committee on Printing and Stationery be instructed to have blanks for Registry printed and placed at the disposal of the Registers of the different Wards.

Which was adopted.

Mr. Davis offered the following motion :

That the Street Commissioner be, and is hereby directed to notify all railroad companies owning or controlling the track or tracks across the following named streets, to properly plank the said tracks where they have not been planked, and to replank where it may be deemed necessary by the Street Commissioner: At the crossing of West and Louisiana, also at the crossing of Tennessee and Louisiana, Pennsylvania and Pogues Run, Virginia Avenue, Alabama and Pogues Run, New Jersey and Pogues Run, East street and Pogues Run, Liberty and Pogues Run, and Washington and Pogues Run, the same to be planked the entire width of said streets, including sidewalks, and that the said work must be completed within twenty days from this date; and if said railroad company should refuse or neglect to perform said work, then the Street Commissioner shall cause the same to be done and collect the cost of same from said railroad companies.

July 22, 1867.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be, and is hereby directed to notify the Indianapolis and Cincinnati Railroad Company to properly plank all street crossings the full width of said streets between Pogues Run and East street, the same to be done within twenty days from date, and if said company should refuse or neglect to do said work, then the Street Commissioner shall cause the same to be done and collect the cost of said work from said Indianapolis and Cincinnati Railroad Company.

July 22, 1867.

Which was adopted.

Mr. Loomis introduced special appropriation ordinance No. 44—1867, entitled :

AN ORDINANCE appropriating money to the Sangerfest.

Which was read the first time by its title.

Mr. Seidensticker offered the following report :

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

INDIANAPOLIS, July 22, 1867.

Your Board, to whom was referred the resolution instructing us to confer police power upon lamp-lighters, and to revise the different police ordinances, herewith submit an ordinance which corollates the different police provisions into one ordinance and gives the Board the necessary authority to confer police powers as desired in the original resolution.

AD SEIDENSTICKER,	} Board of Police.
W. H. LOOMIS.	
A. P. STANTON,	

Which was concurred in.

Mr. Seidensticker introduced general ordinance No. 94—1867, entitled :

AN ORDINANCE regulating the appointment of Special Policemen and conferring of Special Police powers,

Which was read the first time by its title.

Mr. Seidensticker presented the following petition :

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

INDIANAPOLIS, July 22, 1867.

The undersigned, property holders along the south line of McNabb street, respectfully petition your honorable body to provide by ordinance for the paving of the south sidewalks along said street with good, hard burned brick. And we will ever pray, &c.

A. SEIDENSTICKER,
A. NALTNER,
JOHN M. WACHTETTRE.

Which was received.

Mr. Seidensticker introduced special ordinance No. 58—1867, entitled:

AN ORDINANCE to provide for the paving, with good hard-burned brick, of the south sidewalk of McNabb street, between Meridian and Illinois streets,

Which was read the first time by its title.

Mr. Henschen introduced special ordinance No. 59—1867, entitled:

AN ORDINANCE to provide for grading and graveling Harrison street and sidewalks from the west line of Coe's subdivision and corporation line east,

Which was read the first time by its title.

Mr. Henschen introduced special ordinance No. 60—1867, entitled:

AN ORDINANCE to provide for grading and graveling Harrison street and sidewalks, between Noble street and the west line of Coe's subdivision.

Which was read the first time by its title.

Mr. Brown introduced general ordinance No. 95—1867, entitled:

AN ORDINANCE adding to the duties of the City Marshal and the Chief of Police, as heretofore defined.

Which was read the first time by its title.

Mr. Brown offered the following motion :

That the City Attorney be directed to give his opinion whether the Council has the power, under the Charter, to give the privilege to the owners of property fronting on any street or alley of using part of any such street or alley for the purpose of constructing a stairway leading upward into an adjoining building.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the City Clerk be directed to indorse on all ordinances for street improvements the fact whether the same has been petitioned for or not; and, also, the fact whether the same has been remonstrated against or not.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the Committee on Printing and Stationery be directed to procure from the City Attorney a correct copy of the Registration Law, and that such committee cause three hundred copies of the same to be printed, in hand-bill form, in the English language, and two hundred copies in the German language; and that when so printed, the City Marshal shall cause the same to be posted and distributed throughout the city.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the Civil Engineer be directed to report to this Council whether, in his opinion, the contractor for building the stone bridge over McNabb street has completed the same according to contract and specifications, and whether he considers such bridge a safe and secure one.

Which was adopted.

Dr. Woodburn offered the following motion :

That the Citizens Street Railway Company be directed by the Street Commissioner to fill up between the rails on north Illinois street, so that the same shall correspond to the grade of said street.

Which was adopted.

Mr. Brown moved that the Council proceed to the election of a Register of the Sixth Ward, Mr. Sulgrove having resigned.

Which was adopted.

The Council then proceeded to ballot, which resulted in the election of William C. Means.

Mr. Brown moved that the rules be suspended for the purpose of receiving the report of the Board of Public Improvements.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker and Woodburn—12.

So the rules were suspended.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, July 22, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the bids were referred, would respectfully report to your honorable body that we find that Richard Carr is the lowest bidder for grading and graveling Winston street and sidewalks between Ohio and Washington streets, his bid being forty-nine cents per lineal foot on each side of streets.

Also, that J. & W. Cogill are the lowest bidders for the improvement of Gregg street between New Jersey and East streets, their bid being sixty-four cents per lineal foot on each side of street.

Also, that Daniel Collins is the lowest bidder to regrade and regravell the east sidewalk of East street between Louisiana and South streets, his bid being twenty-two and a half cents per lineal foot.

Also, that Jno. Fearey & Thos. Dillon are the lowest bidders to grade and pave with brick the east side walk of Alabama street between Massachusetts Avenue and North street, their bid being fifty-five cents per foot.

Also, that D. Root is the lowest bidder for the erection of lamp-posts and fixtures on Massachusetts Avenue between New Jersey and Noble streets, bids being \$32.50 for the light and \$34.50 for the heavy pattern.

We would recommend the above contracts be awarded to the parties mentioned.

All of which is respectfully submitted,

JNO. B. MACARTHUR, }
W. H. LOOMIS, } *Board.*
SAMUEL GODDARD, }

Which was concurred in and contracts awarded.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, June 22, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that we have examined the Engineer's profiles of Kentucky Avenue, from West street to the River; Blake street, from New York to North streets; and McCarty street, from Illinois to Tennessee streets. And recommend they be adopted.

Respectfully submitted.

JOHN B. MACARTHUR, }
W. H. LOOMIS, } *Board.*
SAMUEL GODDARD. }

Which was received.

On motion of Mr. Seidensticker, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*