

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, OCTOBER 14TH, 1867, 7 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, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—17.

Absent—Councilman Schmidt—1.

Mr. Coburn presented the following petition :

INDIANAPOLIS, Oct. 14, 1867.

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

The Junction Railroad Company hereby petition your honorable body to grant them the privilege of locating the track, and lay down and maintain the same, on Maryland street, in the city of Indianapolis, on the south side of the Central Railroad track, from the East Corporation line to the west bank of Pogues Run, and the connection with the Union Depot Company's track, subjected to the terms and conditions contained in an ordinance passed, March 12th, 1849, and other ordinances in force upon that subject.

J. M. RIDENOUR,  
*President Junction Railroad Company.*

Also, introduced general ordinance No. 109—entitled :

AN ORDINANCE authorizing the Junction Railroad Company to occupy Maryland street, from the East Corporation line to Pogue's Run, and crossing other streets.

Which was read the first time by its title, and referred, along with the petition, to a select committee composed of Messrs. Loomis, Co-burn and Henschen, and the City Attorney.

Mr. Colley offered the following motion :

That Henry A. Wald be allowed to fill the mud holes in the alley, north of Washington street, and between New Jersey and Alabama streets, at his own expense.

Which was adopted.

Mr. Davis introduced Special ordinance No. 93—1867, entitled :

AN ORDINANCE to provide for grading and graveling so much of the alley as has not already been graded and graveled—running east and west through square No. 14, between Illinois and Tennessee streets.

Which was read the first time by its title.

Mr. Geisel presented the following petition :

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—We the undersigned, owners of property on Railroad street, between St. Clair street and Pogue's Run, respectfully ask your honorable body to either cover the ditch on Railroad street with plank, or lay down tile to carry off the water, as in the present condition it is very dangerous for our children, and, also, impossible for us to get a wagon up to the end of our lots, hoping you will take some speedy action at once, we remain yours,

Wilhelm Link,	Henry Panti,
Stephen McCarty,	Wm. Fred Winkle,
G. C. Thompson,	And 17 others.

Which was received.

Mr. Geisel offered the following motion :

That the Street Commissioner be directed to put in two six inch tiles, in what is called Railroad ditch, from St. Clair street to Pogue's Run, and cover the same level with the top of the ground.

Mr. Davis offered the following amendment :

That the Board of Public Improvemnts be, and are hereby directed to cause to be constructed a sufficient number of bridges across the ditch on Railroad street, to accomodate the citizens along said street, to enable them to get to their lots.

Which was adopted.

The original motion, as amended, was then adopted.

Mr. Goddard introduced special ordinance No. 94—1867, entitled:

**AN ORDINANCE** to provide for grading and graveling Tennessee street, between McCarty and Ray streets, including the sidewalks.

Which was read the first time by its title.

Mr. Kappes offered the following motion :

That the Lamp Lighter be, and is hereby instructed to examine such of the street lamps as freeze up during cold weather, and put them in good repair.

Which was referred to the City Attorney, with instructions to report to the Council what the obligations of the Gas Company are, as involved in the motion.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, Oct. 12, 1867. }

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

The Board of Public Improvements to whom were referred the bids, would respectfully submit the following report :

We find that Samuel Lefever is the lowest bidder to curb and bowlder the gutters on Alabama street, between Cumberland and Virginia Avenue, his bid being, for bowldering, 65 cents per lineal foot ; for curbing, 90 cents.

Also, that Joseph Bernour is the lowest bidder, to grade and gravel Muskingum street, between Michigan and Vermont streets, his bid being 19½ cents per lineal foot on east side.

Also, that James Mahony is the lowest bidder to grade and gravel the alley between Noble and Liberty streets, his bid being 48½ cents per lineal foot on each side of alley.

Also, that James Mahony is the lowest bidder to grade and gravel West street, between Merrill and Root streets, his bid being 38 cents per lineal foot on each side. We recommend that the above be allowed, providing the contract can be finished before the winter sets in.

Also, that the contract for furnishing trees and boxes on Circle be re-advertised, there being only one bid, and that was informal, also, in our opinion too high in price.

Respectfully submitted,

JOHN B. MACARTHUR, }  
SAMUEL GODDARD. }

Which was concurred in.

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

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—The undersigned, a member of the Board of Public Improvements, asks to submit a minority report, in the case of the proposal of John F. Hill, to plant trees around the Governor's Circle, according to specifications furnished by the City Civil Engineer. The said proposal was rejected by a majority of the Board of Improvement.

1st. Upon the ground that the proposal was signed John F. Hill & Co., and *second*, upon the ground that the security was not named upon the said proposal. At the instance of the undersigned, the proposal in question, was corrected by Mr. Hill at the time and place of the meeting of your Board of Improvement, and still rejected. There being no competition by reference to the bid of John F. Hill, it will be seen that Mr. Hill is according to the Engineers specifications, being \$4.70 for boxes, trees, painting boxes and warranting the trees to grow and survive in a healthy condition for the space of three years. In view of the lateness of the season, and the warrantee running for three years, the undersigned consider the bid of Mr. Hill as entirely reasonable under the specifications, and ask respectfully that the contract to plant the trees, box the same and paint the boxes as provided by the said specifications be awarded to John F. Hill, and that the City Auditor be directed to contract with Mr. Hill.

All of which is respectfully submitted.

W. H. LOOMIS,  
*Minority Board of Public Improvement.*

The ayes and noes being called for on the concurrence in the report, those who voted in the affirmative were Councilmen, Loomis and Woodburn—2.

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Stanton—15.

So the report was not concurred in.

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

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—Your committee, to whom was referred ordinance No. 60, appropriating moneys to the Ladies' Orphan Assylum, beg leave to report in favor of said appropriation.

Accompanying, we offer the opinion of the City Attorney on this subject.

Respectfully,

J. H. KAPPES,  
W. H. LOOMIS,  
HENRY GEISEL, } *Com. on Benevolence.*

Which was concurred in.

Also, the following opinion of the City Attorney:

INDIANAPOLIS, Oct. 14, 1867.

*To the Committee on Benevolence:*

GENTLEMEN:—I am of opinion that the Council has power to make a reasonable appropriation for benevolent purposes, such as is contemplated in the accompanying ordinance.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Also, the following report:

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS  
OF CITY HOSPITAL, ENDING OCTOBER 5, 1867.

Number of patients in Hospital at last report.....	24
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.....	2
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report .....	24

Which was concurred in.

Mr. Brown, from the Select Committee, made the following majority report:

INDIANAPOLIS, Oct. 14, 1867.

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

A majority of the Select Committee, to whom was referred the remonstrance of Henry Bock and others, and the pending ordinance authorizing the Bellefontaine Railway to construct, maintain and use a track through East Second street, &c., beg leave to report that the Committee have examined the ground proposed to be used for the track of the Bellefontaine Railway on East Second street, and the matters set forth in the remonstrance, and recommend that the ordinance be passed

AUSTIN H. BROWN, } *Maj. Select Com.*  
A. P. STANTON, }

Which was concurred in.

Mr. Geisel, from same committee, made the following minority report:

The undersigned dissents from the above majority report for the reason that the laying of the proposed track in East Second street would be of great injury to the adjoining property holders, and the Bellefontaine Company own sufficient ground of their own on the east side of their present track on which to lay the new track required.

HENRY GEISEL.

Which was not concurred in.

Mr. Brown called up general ordinance No. 108, entitled:

AN ORDINANCE authorizing the Bellefontaine Railway Company to construct, maintain and use a track through East Second street, and to change or deviate from the line of its present track between Market 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, Coburn, Cottrell, Davis, Foster, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn —15.

Councilman Geisel voting in the negative.

So the ordinance passed.

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

INDIANAPOLIS, Oct. 14, 1867

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

The Select Committee appointed to investigate whether the contract for paving so much of the north sidewalk of Louisiana street, between Meridian and Illinois streets, as had not been before paved, has complied with the terms of his contract, beg leave to report that a personal examination of the work shows that the depth of sand under the bricks is but  $2\frac{1}{2}$  inches, instead of 3 inches as required by the specifications, and, that the bricks have been laid in a rough manner. Your committee, therefore, recommend that a deduction be made from the amount of the estimate heretofore allowed of the following amounts :

For sand not furnished-----	\$15 50.
For soft brick and rough work-----	16 50.
Total deduction-----	\$32 00.

AUSTIN H. BROWN,  
J. H. WOODBURN,  
J. H. KAPPES,

Which was concurred in.

The City Auditor made the following report:

OFFICE OF CITY AUDITOR, }  
Indianapolis, Oct. 14, 1867. }

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

The City Auditor respectfully reports :

1. The contract and bond of Daniel Mahoney, for grading and graveling Ray street and sidewalks, between the Bluff Road and the Central Canal.
2. The contract and bond of the Indianapolis Gas Light and Coke Company, for erecting lamp posts and fixtures on Michigan street, between Meridian and Pennsylvania streets.
3. The contract and bond of James Mahoney, for paving the sidewalk around the Governor's Circle.
4. The contract and bond of S. W. and R. H. Patterson, for grading and graveling Bright street and sidewalks, between New York and North streets,
5. The contract and bond of Thomas Huskinson, for building a picket fence around the Governor's Circle.

Respectfully submitted,

JOHN G. WATERS, *City Auditor*,

Which was concurred in.

Contracts and bonds were then read and approved.

The City Attorney made the following report :

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—I have examined the petition of J. M. Seger, and respectfully report, that without repealing or modifying existing ordinances, the petitioner's prayer cannot be granted.

Respectfully

B. K. ELLIOTT, *City Attorney*.

Which was concurred in.

Also, the following :

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—I have examined the questions arising on the resolution regarding the occupancy of Maryland street, by the Indiana Central Railway Company, and respectfully submit the following :

The Central Railway Company have no right to place more than one track on Maryland street. The right to occupy said street with their shops has not been given said Company by the Council, nor could the Council legally appropriate public streets to private purposes.

Respectfully, B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Also, the following :

INDIANAPOLIS, Oct. 14, 1867.

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

GENTLEMEN:—I submit the following respecting the right of the city to forfeit the contract of Joseph Schwartzer :

If the time for the completion of the work contemplated by the contract has expired, there can be no doubt of the power of Council to declare the contract forfeited. For all damages caused by the failure to perform the contract, Schwartzer and his sureties are liable.

I think, however, it would be safer to re-advertise for bids, as a considerable time has elapsed since the contract was awarded.

It would be well, I think, to sue Schwartzer and sureties for breach of contract. The precedent would be a beneficial and valuable one.

Respectfully,  
B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

The City Civil Engineer made the following report :

INDIANAPOLIS, Oct. 14, 1867.

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

I hereby report the following work finished according to contract :

Daniel Mahoney, for grading and graveling Charles street and sidewalks, between Peru and St. Clair streets.

Length of east side.....	328 feet.
Length of west side.....	328 "
Total length .....	656 "
At sixty-two cents per foot.....	62
	<hr/>
	\$406 72

Also, Charles Rooney, for curbing north side of Louisiana street, between Meridian and Illinois streets, 384.4 feet, at one dollar per lineal foot..... \$384 40

Also, Samuel Hanway, for grading and graveling Wabash street and sidewalks, between Illinois and Tennessee streets.

Length on north side.....	420 feet.
Length on south side.....	420 "
Total length .....	840 "
At twenty-five cents per lineal foot.....	25
	<hr/>
	\$210 00

Also, William Kowan, for grading, bowldering and curbing Meridian street and sidewalks, between Ohio and New York streets.

Length on east side.....	510 feet.
Length on west side.....	510 "

Total length.....	1020 "
At two dollars and ninety-five cents per lineal foot.....	2 95

	\$3009 00
One hundred and five feet of extra curb, at 85 cents per foot.....	89 25

	\$3098 25
Deduct 48.5 feet of curb already in, at 85 cents per foot.....	41 22

	\$3057 03
Two hundred and fifty yards extra bowldering, at 63 cts. per yard..	157 50

Total estimate.....	\$3214 53
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Also, Richard Carr, for grading and graveling Winston street and sidewalks, between Ohio and Washington streets.

Length on east side.....	836.5 feet.
Length on west side.....	836.0 "

Total length.....	1672.5 "
At forty-nine cents per foot.....	49

Total estimate.....	\$819 52
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Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Auditor introduced special appropriation ordinance No. 61—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.

Mr. MacArthur called up general ordinance No. 101, entitled :

AN ORDINANCE creating the office of Meat Inspector in and for the City of Indianapolis, and defining his duties.

Which was read the second time.

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

To refer to the Committee on Markets, with instructions to strike out all referring to the creation of a new Officer, and confer the duties on the Market Master, without additional pay.

Which was adopted.

Mr. Brown offered the following resolution :

*Resolved,* That a first and final estimate allowed William Kowan, for paving with bowlders, and curbing Meridian street, between the south side of Ohio street, to the north side of the south sidewalk of New York street, be and

the same is hereby approved and adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums of money set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—17.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Kappes called up special appropriation ordinance No. 59—1867, entitled :

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

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

Dr. Jameson called up special appropriation ordinance No. 60—1867, entitled :

AN ORDINANCE appropriating moneys to the Ladies' Orphan Asylum.

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

Mr. Colley moved to adjourn.

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

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Davis, Geisel, Goddard, Jameson, Loomis, MacArthur, Stanton and Woodburn—11.

So the motion to adjourn was not adopted.

Mr. Davis offered the following motion :

That the Street Commissioner, be, and is hereby directed to properly repair the bridge over Pogue's Run, on Benton street, by the construction of a stone wall in addition to the walls already there, and to place a new bridge at said point.

Which was adopted.

Mr. Loomis moved to adjourn until Thursday evening.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Burgess, Colley, Cottrell, Davis, Foster, Henschen, Kappes, Loomis and Seidensticker—9.

Those who voted in the negative were Councilmen Brown, Coburn, Geisel, Goddard, Jameson, MacArthur, Stanton and Woodburn—8.

So the Council adjourned until Thursday evening, October 17, 1867, 7 o'clock.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*