

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
THURSDAY, SEPTEMBER 19TH, 1867, 7½ O'CLOCK, P. M. }

The Common Council met pursuant to adjournment.

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

Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel,
Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and
Woodburn—14.

Absent—Councilmen Burgess, Goddard, Kappes and Schmidt—4.

Mr. Brown moved that the vote in regard to granting the prayer
of the petition of Horn & Anderson, to erect a powder house in the
south-western part of the city, taken at last regular meeting, be re-
considered.

The ayes and noes being called for, those who voted in the affirm-
ative were Councilmen Brown, Coburn, Colley, Cottrell, Jameson,
Seidensticker, Stanton and Woodburn—8.

Those who voted in the negative were Councilmen Davis, Foster,
Geisel and Henschen—4.

So the motion was adopted.

Mr. Davis moved that any further consideration of the matter be deferred until the next regular meeting.

The ayes and noes being called for, those who voted in the affirmative were Councilmen Cottrell, Davis, Foster, Geisel, Henschen, Seidensticker, Stanton and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Jameson, Loomis and MacArthur—6.

So the motion was adopted.

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Sept. 16, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the several matters were referred, would respectfully report that the petition of Josiah Smith, asking to have a ditch covered in front of his property, at the corner of Bright and New York streets, be granted.

Also, that the motion directing the City Auditor to advertise for proposals to put down a stone walk on the crossing of Ohio and Illinois streets, be referred to the Street Commissioner, with instructions to do the work.

Also, that the remonstrance from John Winsor and others against the improvement of Cady street, be not concurred in, and we would recommend the passage of the pending ordinance.

Also, that the petition from W. A. Cnykendall and others, in reference to grading and graveling Louisiana street, between East and Noble streets, be referred to the City Attorney, with instructions to examine the contract referred to in said petition, and report at as early a day as possible.

Respectfully submitted,

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

Which was concurred in.

Mr. MacArthur, also, presented the following communication from the Civil Engineer, together with the accompanying recommendation of the Board.

INDIANAPOLIS, Sept. 19, 1867.

To the Board of Public Improvements:

GENTLEMEN:—The following is the estimated cost of extending the sewer at the crossing of Virginia Avenue and Noble street, 464 feet, (5 feet in diameter.)

109,968 brick in the wall.....	\$1,209 64
Cement.....	770 00
Centers.....	100 00

Excavation -----	100 00
Embankment -----	180 00
Total amount -----	\$2,359 64

Respectfully,

R. M. PATTRSON, *Civil Engineer.*

We respectfully recommend said work to be done, and that the work be advertised for bids.

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

Mr. Brown called for the ayes and noes on the reception of the communication from the Civil Engineer and concurrence in the recommendation by the Board.

The question being, shall the communication and report be received and concurred in, those who voted in the affirmative were Councilmen Cottrell, Henschen, Loomis and MacArthur—4.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Davis, Foster, Geisel, Jameson, Seidensticker, Stanton and Woodburn—10.

So the communication and report was not concurred in.

REPORTS FROM COMMITTEES.

Mr. Stanton, from the Judiciary Committee, made the following report:

INDIANAPOLIS, Sept. 19, 1867.

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

Your Committee, to whom was referred the petition of Pauline Newman, asking for refunding and remission of taxes, respectfully report that in our opinion the remission of taxes asked for in said petition would neither be legal nor expedient.

Respectfully,

S. A. COLLEY,
 AD. SEIDENSTICKER, } *Committee.*
 A. P. STANTON, }

Which was concurred in.

Mr. Stanton, from the Judiciary Committee, also, made the following report:

INDIANAPOLIS, Sept. 19, 1867.

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

Your Committee, to whom was referred the ordinance No. 106, entitled an ordinance providing for the compensation of city officers, respectfully report:

The ordinance referred to proposes to amend the general salary ordinance

of the year 1867 by increasing the salary of the Assistant Fire Engineers to the sum of one hundred dollars per month.

As the ordinance proposed to be amended contains a clause prohibiting any increase of salary, except two-thirds of the Council members are in favor of such increase, we submit that such increase could, even if there were no other obstacles in the way, be enacted only in pursuance of said two-thirds' vote clause, or by repealing the same.

But there is another question presented by this ordinance: Does it not conflict with section 51 of the City Charter? This section positively prohibits the increase of salary of any City Officer after it has been fixed for the year.

If these Assistant Engineers are City Officers, the prohibition is absolute. In the Charter, Assistant Fire Engineers are especially mentioned, and are recognised. This would place them in the same category with Assistant Marshals, Assistant Civil Engineers, &c., unless there was an ordinance in which their official status were fixed differently. We have not been able find any such provision or ordinance, and, therefore, have come to the conclusion that these Assistant Engineers are embraced in the general prohibition against increase of salaries.

In conclusion, we call your attention to the fact that this prohibition is absolute and binding, and that several ordinances proposing an increase of compensation for City Officers are, on account thereof, illegal and void.

Respectfully,

S. A. COLLEY,
AD. SEIDENSTICKER, } Committee.
A P. STANTON,

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The City Judge made the following report:

INDIANAPOLIS, Sept. 16, 1867.

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

GENTLEMEN:—I have the honor to report that during the month of July last I collected on account of forfeits for violation of the city ordinances the sum of four hundred and seventy-two dollars and one cent, and during the month of August the sum of three hundred and sixteen dollars and seventy cents, amounting to seven hundred and eighty-eight dollars and seventy-one cents, which I this day turned over to the City Treasurer, less four dollars overpaid by mistake for the month of June last, as will appear by the accompanying vouchers. Sickness has prevented an earlier report.

Respectfully,

JNO. N. SCOTT, *City Judge.*

Which was concurred in.

The City Civil Engineer made the following report:

INDIANAPOLIS, Sept. 19, 1867.

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

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

John Scheier for grading and graveling St. Clair street and sidewalks, between Peru Railroad track and the west line of East Second street.

Length of north side	- - - - -	538 ft. 7 in.
Length of south side	- - - - -	594 ft. 4 in.
Total length	- - - - -	1,152 ft. 11 in.
At one dollar and fourteen cents	- - - - -	114
Total	- - - - -	\$1,314 32

Also, Indianapolis Gas Light and Coke Company for erecting lamp-posts and fixtures on Mississippi street, between Washington and Georgia streets.

Three corner posts at \$35	- - - - -	\$105 00
Four intermediate posts at \$33	- - - - -	132 00
Total	- - - - -	\$237 00

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

Which was concurred in.

The City Auditor made the following report:

INDIANAPOLIS, Sept. 19, 1867.

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

The City Auditor respectfully reports to Council:

First and final estimate allowed the Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on North street, between Illinois and Tennessee streets.

First and final estimate allowed John Feary and Thomas Dillon for paving the south sidewalk on McNabb street, between Meridian and Illinois sts.

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

Contract and bond of Samuel Lefever to grade and pave with brick, and curb the outside edges of the sidewalks with Flat Rock stone of the south side of Washington street, between Noble and East streets.

Contract and bond of William Cogill for grading and graveling the alley running east and west, between Huron, Elm, Cedar and Pine streets.

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

Which was concurred in, with the exception of the second clause, which refers to the estimate of Feary & Dillon, which was deferred until the matter can be investigated.

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 North street, between Illinois and Tennessee streets, at \$8.51 per lineal foot front, 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, Colley, Cot-

trell, Davis, Foster, Geisel, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the resolution was adopted.

The contracts and bonds presented by the Auditor were read and approved.

The City Auditor introduced special appropriation ordinance No. 57—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 referred to the Committee on Accounts and Claims.

ORDINANCES ON SECOND READING.

Mr. Coburn called up special ordinance No. 64—1867, entitled :

AN ORDINANCE to provide for the erection of lamp-posts and fixtures on Michigan street, between Meridian and Pennsylvania streets,

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

Mr. Geisel called up special ordinance No. 88—1867, entitled :

AN ORDINANCE to provide for grading the alley running east and west through out-lot forty-six, between Liberty and Noble street, and graveling the sidewalks with good river or creek gravel,

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

Mr. Cottrell called up special ordinance No. 87—1867, entitled :

AN ORDINANCE to provide for curbing of the outer edge of the sidewalk on the west side of Alabama street, between Cumberland street and Virginia Avenue. and, also, to provide for the bowldering of the gutter on the west side of Alabama street, between Cumberland street and Virginia Avenue,

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

Mr. Loomis called up special ordinance No. 75—1867, entitled :

AN ORDINANCE to provide for the lighting of Market street, between Circle and Delaware streets,

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

ORDINANCES ON THIRD READING.

Mr. Davis called up special ordinance No. 80—1867, entitled :

AN ORDINANCE to provide for grading and paving with brick the sidewalk on Indiana Avenue, between Illinois and Mississippi 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, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur called up special ordinance No. 77—1867, entitled:

AN ORDINANCE to provide for grading and graveling Bright street and sidewalks, between New York and North 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, Colley, Davis, Foster, Geisel, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—12.

Councilman Cottrell voting in the negative.

So the ordinance passed.

Mr. Coburn called up special ordinance No. 64—1867, entitled:

AN ORDINANCE to provide for the erection of lam-posts and fixtures on Michigan street, between Meridian and Pennsylvania 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, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Loomis called up special ordinance No. 75—1867, entitled:

AN ORDINANCE to provide for the lighting of Market street, between Circle and Delaware 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, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Loomis called up special ordinance No. 73—1867, entitled:
 AN ORDINANCE to provide for grading and graveling Cady street from Harrison street to Bates street,

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 Loomis and MacArthur—2.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Seidensticker and Woodburn—10.

So the ordinance did not pass.

UNFINISHED BUSINESS.

Mr. MacArthur offered the following motion :

That the Committee on Markets, together with the Market Master, be instructed to contract for eave-troughs for the East Market House.

Which was adopted.

Mr. MacArthur, also, offered the following motion :

That the Market Master be authorized to clean out the well at the East Market House and have a good pump put in.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, Sept. 19, 1867.

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

In order to facilitate the moving of passengers and freights, and to complete through lines of Railroads under one management between Cleveland, Pittsburgh and Cincinnati, and the City of St. Louis via Indianapolis, it is deemed necessary to build and operate a new or additional Railroad between this city and the city of Terre Haute, for which purpose a company has been formed and incorporated under the style of "The Indianapolis and St. Louis Railroad Company."

Said Company desires, and hereby petitions your honorable body for the right of way through and over or across the following named streets and alleys, in the manner, and at or near the points named, so as to connect with the tracks and switches of the Bellefontaine Railway Company in the north-east part of the city, viz : after crossing White River on a bridge to cross Water street and Helen street, through West Georgia street, crossing Missouri street and connecting with the track of the Lafayette Railroad, all in accordance with a plot to be filed and made a part of this petition; thence eastward, using the tracks of the Union Railway Company by arrangements yet to be made with said Company, to the center of East Washington street, thence following the line of the main track of the Bellefontaine Railway Company at a uniform distance of seven feet from the same, crossing Market, Railroad, Davidson, Ohio and Winston streets, and the intermediate alleys, and connecting with the system of tracks and switches of the Bellefontaine Railway Company at or near New York street.

The Indianapolis and St. Louis Railroad Company, by
 E KING, Secretary.

In order to accommodate "The Indianapolis and St. Louis Railroad Company" with grounds, switches, shop and Depot room, and to facilitate the transfer of through freights, the Bellefontaine Railway Company desires and hereby petitions your honorable body for the right of way through East Second street, its entire length, for a track, said track to connect with its system of tracks near the Round House, to run north through the east side of East Second street, parallel with, and at a uniform distance of seven feet west of the west rail of its present main track, and to cross Massachusetts Avenue at the best point to connect, by switch, at or near the north line of the city, with the present main line of the Peru Railroad.

The frontage on both sides of East Second street is 2,406 feet, of which this Company owns the entire frontage on the east side, (the side sought to be used,) 1,205 feet, and all on the west side, except four lots.

The Bellefontaine Railway Company, by
E. KING, Secretary.

Which was referred to the Committee on Streets and Alleys.

Mr. Loomis offered the following motion:

That the Street Commissioner be directed to dig a ditch from Lord street to the I. and C. Railroad track of sufficient capacity to drain said street, at the expense of the city, said ditch to be dug on the line of Cady street.

Which was referred to the Civil Engineer for the estimated cost.

Mr. Geisel offered the following motion:

That the Street Commissioner be hereby instructed to open the gutter on Railroad street from Massachusetts Avenue to Pogue's Run, under the instruction of the Civil Engineer, so as to drain the water without said ditch running over at high water.

Which was adopted.

Dr. Woodburn offered the following motion:

That the City Auditor be directed to re-advertise for bowldering and curbing Illinois street, between the south side of Market street and the north sides of Ohio street and Indiana Avenue.

Which was adopted.

Mr. MacArthur offered the following resolution:

Resolved, That a committee of five, of which Mr. J. W. Davis be Chairman, be appointed to investigate the proceedings of the Board of Public Improvements since the new Council came in power.

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

Those who voted in the affirmative were Councilmen Brown, Curn, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Seidensticker and Woodburn—10.

Those who voted in the negative were Councilmen Loomis, MacArthur and Stanton—3.

So the resolution was laid on the table.

On motion by Mr. Cottrell, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*