

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

{CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, SEPTEMBER 30TH, 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:

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

Absent—Councilmen Burgess, Coburn, Foster, Jameson, and Schmidt—5.

The proceedings of the regular session held September 23, 1867, were read and approved.

Mr. Brown offered the following motion:

That the contractor for paving the west sidewalk of Pennsylvania street, between Washington street and Pogue's Run, be allowed to arrange with the owners of lots on said street on which Livery Stables and Blacksmith Shops are located for the bowldering of such parts of the sidewalk as fronts the entrance to such stables or shops, instead of paving the same; but in case such arrangement cannot be made the contractor shall pave such portions with brick, as provided for in the ordinance and contract made in pursuance thereof.

Which was adopted.

Mr. Davis offered the following motion :

That the Chief Fire Engineer be, and is hereby, directed to procure four new wheels for the Hook and Ladder Wagon.

Which was referred to the Chief Fire Engineer and the Committee on Fire Department, with instructions to purchase, if in their judgment they think it necessary.

Mr. Davis offered the following motion :

That the Street Commissioner be, and is hereby, directed to place stone spalls and gravel on the top of all public cisterns that may require it, the same to be done under the direction of the Chief Fire Engineer.

Which was adopted.

Mr. Geisel presented the following remonstrance :

INDIANAPOLIS, Sept. 30, 1867.

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

The undersigned, citizens and property owners, respectfully remonstrate against the passage of an ordinance granting the use of part of East Second street to the Bellefontaine Railroad Company, for the following reasons:

1. Said street is only 40 feet wide.
2. It would greatly damage the property owners on the west line of said street.
3. It would subject the persons living on the west line of said street to very great annoyance, who ought to receive the protection of your honorable body.
4. No public or private necessity exists for those using or occupying the said street, for the reason that the Bellefontaine Railroad Company is the owner in fee simple of a strip of land on the east side of said street of one hundred and twenty (120) feet in width, more than sufficient for all the requirements for side tracks, switches, &c., of said Railroad Company.

T. Kassebaum,
Henry Bock,
S. W. Miller,

L. Ostermeier,
S. Bauers,
And 99 others.

Which was laid over temporarily.

Mr. Geisel offered the following motion :

That the Street Commissioner take the chain-gang and dig a sink in what is called the Bellefontaine gravel pit sufficient to sink the water in said pit.

Which was adopted.

Mr. Geisel, also, offered the following motion :

That Messrs. Holland & Ostermeyer be, and they are hereby, given permission to erect a stairway on the alley running south from Maryland street, between Meridian and Pennsylvania streets: *Provided*, The Council may cause the same to be removed whenever they think best.

Which was adopted.

Mr. Kappes presented the following bond :

INDIANAPOLIS, Sept. 30, 1867.

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

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 :

Whereas, a petition has been presented to the Common Council of the City of Indianapolis, praying that main and service pipes be laid on St. Joseph street, between Delaware and Alabama, 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 16th day of September, 1867.

ISRAEL TRAUB, 8 burners.
W. L. RAMSAY, 5 burners.
A. GASS, 4 burners.

Which was laid over temporarily.

Mr. Loomis offered the following motion :

That the City Attorney be instructed to report whether the Indianapolis and Cincinnati Railroad Company can be compelled, at their expense, to fix Louisiana street, between East and Noble streets, in such condition that the same can be used as a street, and whether they are not bound to do so under the ordinance granting them the right of way through said street.

Which was adopted.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, Sept. 30, 1867.

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

I hereby ask the Board of Council of Indianapolis to grant to me the privilege of erecting a piazza in front of my proposed building situated on Indiana Avenue, between North and Michigan streets, said piazza to be built eleven feet high and extending over the sidewalk, with four posts standing at the edge of the gutter, said piazza to be built in a substantial manner.

(Signed,)

J. M. SEGER.

Which was referred to the City Attorney, with instructions to report as soon as possible.

Mr. MacArthur, also, offered the following motion :

That the Indianapolis, Cincinnati and Lafayette Railroad Company be instructed to plank the sidewalks at the crossing of their track and Indiana Avenue, the same to be done in accordance with the ordinance regulating the same.

Which was adopted.

Mr. Seidensticker offered the following resolution :

Resolved, That in the passage of a resolution by this Council on the 16th of this month, expressing a desire for a direct connection between Indianapolis and Martinsville by the Indianapolis and Vincennes Railroad, this body did not intend to urge or favor an entire change of the route of said road from the west to the east side of White River, but simply such a divergence of said road at some point south-west of Centreton, in Morgan county, as to embrace Martinsville and directly connect said place with Indianapolis, provided such divergence would not conflict with any former engagements of the managers of said road.

Resolved further, That it is our earnest desire that the work of completing said road should not be seriously delayed for any cause.

Mr. Brown offered the following as a substitute :

Resolved, That the resolutions adopted by the Common Council at its meeting on the 16th of September, 1867, relative to the route of the Vincennes Railroad, be, and the same are hereby, rescinded.

The question being on the adoption of Mr. Brown's substituted resolution, those who voted in the affirmative were Councilmen Brown, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, and MacArthur—9.

Those who voted in the negative were Councilmen Loomis, Seidensticker, Stanton and Woodburn—4.

So the resolution was adopted.

Mr. Brown moved to reconsider the vote just taken upon his the above resolution.

The question being seconded, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Loomis, Seidensticker, Stanton and Woodburn—5.

Those who voted in the negative were Councilmen Colley, Davis, Geisel, Goddard, Henschen, Kappes and MacArthur—7.

So the motion to reconsider was not adopted.

Mr. Stanton offered the following resolution :

Resolved, That in the passage of a resolution by this Council on the 16th of this month, expressing a desire for a direct connection between Indianapolis and Martinsville by the Indianapolis and Vincennes Railroad, this body did not intend to urge or favor an entire change of the route of said Road from the west to the east side of White River, but simply such a divergence of said Road at some point south-west of Centreton, in Morgan county, as to embrace Martinsville, and directly connect said place with Indianapolis, provided such divergence would not conflict with any former engagements of the managers of said Road.

Resolve further, That it is our earnest desire that the work of completing said Road should not be seriously delayed for any cause.

The question then being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Loomis, Seidensticker, Stanton and Woodburn—11.

✓ No Councilman voting in the negative.

So the resolution was adopted.

Dr. Woodburn offered the following resolution :

Resolved, That in making the donation of City Bonds to the Indianapolis and Vincennes Railroad, it was distinctly understood that said Road was located and would be constructed, as near as practicable, upon the line and grade of the branch from Gosport to Indianapolis, of the New Albany and Salem Railroad.

Mr. MacArthur moved that the resolution be laid on the table.

Mr. Davis called for the ayes and noes.

The question being to lay the resolution on the table, those who voted in the affirmative were Councilmen Colley, Cottrell, Geisel, Goddard, Henschen, Kappes, MacArthur and Seidensticker—8.

Those who voted in the negative were Councilmen Brown, Davis, Loomis and Woodburn—4.

So the motion to lay on the table was adopted.

Dr. Woodburn presented the following remonstrance :

INDIANAPOLIS, Sept. 25, 1867.

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

GENTLEMEN:—We, the undersigned, property owners and residents on both sides of Indiana Avenue, between Illinois and Mississippi streets, do hereby respectfully remonstrate against the passage of an ordinance pending before your honorable body for the grading and paving of the sidewalks on said Avenue, between said streets, on account of our inability to pay for said improvement the present season.

F. B. Nofsinger,

J. H. McKernan,

A. Carter,

David Beam,

Geo. Merritt,

And 15 others.

Which was referred to the Board of Public Improvements.

Dr. Woodburn, also, presented the following petition :

INDIANAPOLIS, Sept. 30, 1867.

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

The undersigned respectfully asks of your honorable body the privilege (at his own expense) of making the sidewalk in front of his own property on Indiana Avenue, in said city, either with brick or bowlders, there being about five feet in width of said sidewalk now made and done in good order.

And he further asks of your honorable body to allow the sidewalk now made to remain as the same now is, and he will ever pray.

A. BIRD.

Which was referred to the Board of Public Improvements.

On motion, sealed proposals were referred to the Board of Public Improvements without reading.

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Sept. 30, 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 that Dan. Mahoney is the lowest bidder to grade and gravel Ray street and sidewalks, between Bluff Road and Central Canal, his bid being 55 cents per lineal foot on each side of the street. We would, also, recommend that the grade of said street, as per profile of the Civil Engineer, be adopted.

Also, That Samuel Hanway is the best bidder for grading and graveling Wabash street, between Illinois and Tennessee streets, his bid being 25 cents per lineal foot on each side of the street.

Also, that the Board have rejected all the bids for the improvement of Muskingum street, for the reason of the high price and some informalities of the proposals. We would respectfully recommend that the City Auditor re-advertise said work.

Also, that Messrs. Feary & Dillon are the lowest bidders to grade and pave with brick the north and south sidewalks of Washington street, between Mississippi and Missouri streets, their bids being \$1.30 cents per lineal foot for grading and paving, and 80 cents per foot for curbing.

Also, after due deliberation and advice, we recommend that the cisterns to be built at the corner of Gregg and East streets, and at the corner of Tennessee and Walnut streets, be awarded to Kruger & Roney at 75 cents per barrel measurement, and the ones at the corners of Alabama and Cumberland streets, and North and Winston streets, be awarded to Feary & Dillon at the same price.

We would, also, recommend that the amount to be retained by the city as a guarantee to do the above work be reduced from 33 $\frac{1}{3}$ per cent., as proposed by the Chief Fire Engineer, to 20 per cent., as in our opinion that will be sufficient security.

Respectfully submitted,

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

On motion, each paragraph was considered separately.

The first paragraph was concurred in and the contract awarded.

The ayes and noes being called on the second paragraph, those

who voted in the affirmative were Councilmen Colley, Cottrell, Davis, Seidensticker, Stanton and Woodburn—6.

Those who voted in the negative were Councilmen Brown, Geisel, Henschen and Kappes—4.

So the second paragraph of the report was concurred in.

The third, fourth and fifth paragraphs were each considered separately, and each concurred in.

REPORTS FROM COMMITTEES.

Mr. Brown, from the Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, Sept. 30, 1867.

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

The Committee on Streets and Alleys, to whom was referred the ordinance and petition relative to the improvement of the inner sidewalk of Circle street and the Governor's Circle, beg leave to report that the Auditor and Treasurer of State, in answer to the request of the Mayor, have given their written consent to the improvement of the sidewalk, the planting of trees on the border of the same, and the building of a new fence around the Governor's Circle, which written consent is herewith submitted.

Under an act of the General Assembly of the State of Indiana the consent of these two State officers has to be first obtained before the State will make payment for any improvements of State property or streets bordering thereon. Your committee, also, submit two ordinances on the subject, which they recommend be passed.

AUSTIN H. BROWN,

Chairman Committee on Streets and Alleys.

Also, the following :

INDIANAPOLIS, Sept. 30, 1867.

To Thos. B. McCarty, Auditor, and Nathan Kimball, Treasurer State of Indiana :

GENTLEMEN:—The Common Council of the City of Indianapolis propose to pass an ordinance for enclosing the Governor's Circle with a good picket fence, paving the sidewalk around said Circle, and planting out and boxing fifty forest trees, to be set equi-distant from each other on the outer rim of said sidewalk near the curb stone, provided the Auditor and Treasurer of the State of Indiana consent to and approve of the proposed improvements.

DANIEL MACAULEY, Mayor.

We consent to and approve of the improvements above proposed.

T. B. McCARTY, Auditor of State.

NATHAN KIMBALL, Treas. of State.

Which were received.

Mr. Brown introduced special ordinance No. 91—1867, entitled :

AN ORDINANCE to provide for the grading and paving of the inner sidewalk of Circle street, for planting forest trees in the same, and for enclosing Circle Park with a fence.

Which was read the first time, and, by unanimous consent, was read the second time and ordered to be engrossed.

Mr. Brown, also, introduced general ordinance No. 109, entitled:
AN ORDINANCE to prevent trespassing upon the grounds known as the Governor's Circle.

Which was read the first time, and, by unanimous consent, was read the second time and ordered to be engrossed.

Mr. MacArthur, from the Committee on Markets, made the following report:

INDIANAPOLIS, Sept. 30, 1867.

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

GENTLEMEN:—Your Committee on Markets, to whom was referred the matter of contracting for tin gutters and spouting at the East Market House, beg leave to report that we have received proposals from most of the tanners in the city, and find that Tutewiler Bros. are the lowest bidders, their bid being $17\frac{1}{2}$ per lineal foot for 7 inch gutters and 4 inch down spouts.

Respectfully submitted,

JOHN B. MACARTHUR,	} Committee.
SAMUEL GODDARD,	
WM. H. HENSCHEN,	

Which was concurred in.

Mr. MacArthur, also, submitted the following agreement:

INDIANAPOLIS, Sept. 26, 1867.

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

We, the undersigned, hereby agree to put up the tin gutters upon the East Market House, according to the specifications, under the direction of the Market Master, of the best "M. F." tin, in a good and workmanlike manner, for the sum of seventeen and one-half cents ($17\frac{1}{2}$) per lineal foot.

(Signed,)

TUTEWILER BROS.

Which was accepted.

By unanimous consent, Mr. Davis offered the following resolution:

Resolved, That the Street Commissioner be directed to throw a dam across the Central Canal preparatory to building another arch under said Canal adjoining the arch already there, and to do said work immediately.

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

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Kappes, from the Committee on Printing and Stationery, introduced special appropriation ordinance No. 58—1867, entitled:

AN ORDINANCE to provide for the payment of sundry claims against the City of Indianapolis.

Which was read the first time by its title.

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

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING SEPTEMBER 28, 1867.

Number of patients in the Hospital at last report.....	20
Number of patients received in the Hospital since last report.....	1
Number of patients born in Hospital since last report.....	2
Number of patients discharged from Hospital since last report.....	1
Number of patients died in the Hospital since last report.....	1
Number of patients remaining in the Hospital at present.....	21

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The City Auditor made the following report:

INDIANAPOLIS, Sept. 30, 1867.

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

The City Auditor respectfully reports to Council:

1st. The contract and bond of Samuel Hanway for grading and graveling the sidewalks on Huron street, between Cedar street and the Corporation line east.

2d. The contract and bond of Anton Richter for building a bridge over Pogue's Run on New Jersey street

3d. The contract and bond of William Kown for grading, bowldering and curbing the outside edges of the sidewalks with Flat Rock stone of Illinois street, between the south side of Market street and the north side of Ohio street and Indiana Avenue.

4th. First and final estimate allowed Wm. Cogill for grading and graveling the alley running east and west, between Huron, Elm, Cedar and Pine streets.

5th. First and final estimate allowed John Scheier for grading and graveling St. Clair streets and sidewalks, between Peru Railroad track and the west line of East Second street.

6th. First and final estimate allowed Daniel Collins for grading and graveling the sidewalk on the east side of East street, between South and Louisiana streets.

Respectfully,

JOHN G. WATERS, *City Auditor.*

Which was concurred in, and contracts awarded.

Also, the following resolution:

Resolved, That the foregoing first and final estimate allowed John Scheier for grading and graveling St. Clair street and sidewalks, between Peru Rail-

road track and the west line of East Second street, 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, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—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 Wm. Cogill for grading and graveling the alley running east and west, between Huron, Elm, Cedar and Pine 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, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—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 Daniel Collins for grading and graveling the east sidewalk on East street, between South street and Louisiana street, 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 names.

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

No Councilman voting in the negative.

So the resolution was adopted.

The Civil Engineer made the following report :

INDIANAPOLIS, Sept. 30, 1867.

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

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

Richard Carr for grading and graveling Kentucky Avenue and sidewalks from West street to White River :

Length on south-west side	- - - - -	1,995 feet.
Length on south-east side	- - - - -	1,955 "
Total length,	- - - - -	3,950 "
At one dollar and twenty-five cents per lineal foot,	- - - - -	125
Total estimate,	- - - - -	\$4,937 50

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

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
Indianapolis, Sept. 30, 1867. }

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

GENTLEMEN:—I respectfully report the following affidavits on file in my office for the collection of street assessment by precept as follows :

- S. W. & R. H. Patterson against Alfred Briggs, for \$46.08.
- S. W. & R. H. Patterson against Bright, Powell & Ellis, for \$203.76.

And would recommend that you order the precepts to issue.

Respectfully, D. M. RANSDELL, *City Clerk.*

Which was concurred in.

By unanimous consent, 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 third time and placed upon its passage.

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown moved that the rules be suspended, in order that the ordinance for the improvement of the Governor's Circle might be passed.

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

No Councilman voting in the negative.

So the rules were suspended.

Mr. Brown then called up special ordinance No. 91—1867, entitled:

AN ORDINANCE to provide for the grading and paving of the inner sidewalks of Circle street, for planting forest trees in the same, and for enclosing Circle Park with a fence.

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

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent, 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 third time, and placed upon its passage.

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

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent, Mr. Goddard called up special ordinance No. 85—1867, entitled:

AN ORDINANCE to provide for grading and graveling West street and sidewalks, between the north side of Merrill street and the south side of Root 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 Brown, Cottrell, Davis, Geisel, God-

dard, Henschen, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

On motion by Mr. Seidensticker, the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANDELL, *City Clerk*.