PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS,
Monday, February 8, 1869, 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 Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

Absent—Councilmen Brown, Burgess, Colley, Foster and Schmidt —5.

The proceedings of the Common Council, held February 1, 1869, were read and approved.

Mr. Seidensticker arose to a question of privilege. At the last meeting of Council Mr. Geisel charged Mr. Seidensticker with having received money from Smith & Ittenbach for putting an ordinance through the Council. After an explanation made by Mr. Seidensticker, showing the business relations between the firm of Smith & Ittenbach and the firm of Seidensticker & Co., he, Mr. Seidensticker, submitted the following correspondence:

Indianapolis, Ind., February 2, 1869.

MR. C. SWITH, of the firm of Smith, Ittenbach & Co.,:

DEAR SIR: - Last Monday night Mr. II. Geisel stated, in the City Council, that you, or the firm of which you are a member, paid me \$25 for procuring the passage of an ordinance granting you the right of laying a switch into your stone yard. He quoted you as his authority for this statement.

Believing this to be impossible, I request your answer to the following

1. Did you ever pay me (individually) any sum of money for services or otherwise, either for yourself or the firm you represent?

2. Were not all your business transactions with the firm of which I am a

Was not the true amount your firm paid to mine for services in ne-

gotiating and procuring you a switch from the I. & C. Railroad \$20?

4. Were not the following services performed in this matter by our firm (and principally by Mr. Naltner): negotiating with the I. & C. R. R. for the privilege and location of the switch; negotiating and arranging the conditions of building, paying for and using said switch; drawing and copying of

plans, contracts, and all necessary papers?

5. Did I ever tell you that I chaged your firm one cent, one dollar, or any other sum for my services in Council in procuring their permission to lay

said switch?

By promptly answering these questions, you will greatly oblige

Yours, very respectfully,

A. SEIDENSTICKER.

Indianapolis, Feb. 4, 1869.

MR. A. SEIDENSTICKER:

DEAR SIR:-I received your favor of the second inst. I comply with your request in answering your questions.

Answer 1. We never paid anything to you individually.

All our business transactions were with your firm. Answer 2.

Answer 3. Upon examination, I find the amount stated by you to be correct.

All the services stated in your question were performed. Answer 4.

You never did. Answer 5.

I will say, in further explanation, that at the time when said charge was paid for, your firm and ours had a general settlement of accounts, amounting, up to that time, to over \$6,000. I understood your charge to be in full of all services performed by your firm in connection with the switch and never inquired as to items, being well satisfied of its being very reasonable.

I had an impression that you had included in your charge services in drawing up petitions and plans for the proceedings in City Council, but this was an impression of my own, not created by anything you said or did. I certainly never imputed any wrong to you in this matter.

Respectfully yours,

C. SMITH.

Of the firm of Smith, Ittenbach & Co.

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

Mr. Cottell presented the following petition:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN: - The undersigned, property holders on Virginia Avenue, between Louisiana and South streets, believing that no provision has been made for the improvement of that part of said street, would respectfully petition that it be graveled, similar to that part of Virginia Avenue east of South street, lately completed.

Respectfully submitted,

Dougherty & Baker, Mariah Tune, A. Stein, D. J. Stiler, J. B. Reynolds, Louis Siersdorpen, John B. Abbett, John C. Smith.

Which was received.

Also, the following motion:

That the City Clerk is hereby instructed to report, at the next regular meeting of the Common Council, the amount charged to the City by the Sheriff of Marion county for each prisoner per day for board and commitment, when the prisoner is being worked upon the streets.

Which was adopted.

By consent, Mr. John Finch, attorney for W. J. Robinson, presented a claim against the City of \$41.85, for damages sustained by the riot of August 18, 1868. After a few pertinent remarks by the said attorney, citing to the causes of the riot, and the right of the plaintiff, as a tax payer, to the protection of the city, said claim was referred to the City Attorney and the Committee on Claims.

Mr. Cottrell presented the following petition:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The undersigned respectfully represent that they are wrongfully and illegally assessed upon two hundred thousand dollars of United States 5.20 bonds; that they purchased said bonds on September 10, 1864, for the purpose of a permanent investment; that since said purchase said bonds have not been sold or changed; and that the investment has not been a changeable or shifting one, but has been permanent.

They respectfully petition your honorable body to cause said assessment to be corrected, and said sum of two hundred thousand dollars, invested as

aforesaid in United States bonds, to be exempted from taxation.

Respectfully,

S. A. FLETCHER & CO.

Which was referred to the City Attorney and Assessor.

Mr. Cottrell introduced special ordinance No. 6-1869, entitled.

An Ordinance to provide for re-graveling Virginia Avenue between Louisiana and East streets,

Which was read the first time.

Mr. Coburn offered the following motion:

That the City Treasurer be instructed to make out the amount paid by the City for work done for the State for building the fences around the Gover-

nor's Circle and Military Grounds, and the pavement around the Circle, and the pavement in front of the State House, and all other work paid for by the City, and have them laid before the proper committee of the General Assembly for allowance.

Which was adopted.

Mr. Henschen offered the following motion:

That the Street Commissioner be instructed to repair the east sidewalk of East street with gravel, between South and McCarty streets.

Dr. Jameson called for the ayes and noes upon the motion.

Those who voted in the affirmative were Councilmen Cottrell, Geisel, Henschen, Loomis and MacArthur—5.

Those who voted in the negative were Councilmen Coburn, Davis, Goddard, Jameson, Kappes, Seidensticker, Stanton and Woodburn—8.

So the motion was lost.

Dr. Jameson presented the following communication:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN:—Will you please reconsider your action in reference to my claim against the City, in order that I may appear before the committee and be heard in my own defense. I desire to present two or three witnesses in the examination.

Respectfully yours,

H. M. SOCKWELL.

Which was referred to the Committee on claims.

Mr. Kappes presented the following petition:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN:—We, the undersigned, owners of property fronting on Alabama street, between North and St. Clair strets, in this City, respectfully petition your honorable body to have gas mains laid and posts erected on Alabama, between North and St. Clair streets.

NAMES. Feet	NAMES. Feet.	
Joseph R. Evans 40 G Spann & Smith 68 M L. Van Laningham 31½ J W. H. Smith 37 F Wm. Swinehart 65 S Levi Wright 37 E James D. Brown 40 I I. C. Hays 30 J H. L. Tetaz 30 G	(Irs. A. E. Underhill 32½ ohn Stumph 67½ (Irank A. Dial 32 . A. Stoneman 120 (Iliza D. Commons 32½ . H. Eagle 31½ eremiah Brown 32½	lia tatiana

Which was received.

Also, special ordinance No. 7-1869, entitled:

AN ORDINANCE to provide for the erection of lamp posts and fixtures complete, to burn gas, except the service pipe, on Alabama street between North and St. Clair streets.

Which was read the first time.

Mr. Keppes presented the following petition:

Indianapolis, Feb 8, 1869.

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

Gentlemen:—The undersigned, owner of lot No. 1, out-lot 107, on the corner of East and McCarty streets, intends to erect a business house on said lot at the beginning of spring, and asks your honorable body to grant him the privilege of placing a well and pump, together with a sink for waste water, on the outer line of the sidewalk on East street, in front of his said property; and your petitioner will ever pray.

Respectfully,

PETER WEIS.

Which was granted.

Mr. Loomis presented the following petition:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The undersigned respectfully represents to your honorable body that, by an ordinance of your body, McCarty street was improved some three years ago, thereby throwing the water from that street into my lot, damageing me very much in consequence thereof, and I ask you to appoint a committee and grant me the relief I am justly entitled to; and as in duty bound, your petitioner will ever pray.

JOHN WANDS.

Which was referred to the Board of Public Improvements.

Dr. Woodburn presented the following petition:

INDIANAPOLIS, Feb. 8, 1869.

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

Gentlemen:—Your petitioners, owning and occupying all the ground on Water street between Washington and Maryland streets, would represent that a portion of said Water street has been washed away by the river, and is not now, and never can be of any use as a street. Your petitioners would therefore respectfully petition your honorable body to have the said street vacated for the benefit of the manufacturing interests now located thereon, or that may hereafter be located thereon, it being understood that each lessee now holding leases on the property adjoining said street shall have possession of and use of said portions of said Water street during the continuance of their lease, as lie directly west of the grounds now leased by them.

MERRITT & COUGHLEN, INDIANAPOLIS PAPER CO.

Which was referred to the Committee on Streets and Alleys.

Mr. Woodburn introduced general ordinance No. 5-1869, entitled:

AN ORDINANCE concerning the rebuilding and alteration of frame or wooden buildings within the limits prescribed by an ordinance entitled "An ordinance amendatory of the first section of an ordinance to amend section one of an ordinance entitled 'An ordinance concerning the prevention of fires,'" passed November 30, 1863, and April 3, 1865.

Which was read the first time.

Dr. Woodburn presented the following petition:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The undersigned would respectfully ask your honorable body for permission to make a stone crossing, beginning at the center of the house known as the Trade Palace on the north side of Washington street, and running thence south direct to a point eighteen feet west of the alley in square No. 66, in the City of Indianapolis, Indiana. Said stone crossing to be not less than three feet in width and to cost the City nothing, but to be paid for at the expense of the undersigned, who are to employ their own contractor

Respectfully,

C. Mayer & Co., N. R. Smith, C. J. Hahn, Wm. R. Hogshire, Henne, Adams & Co., J. N. Conklin.

Which was granted.

His Honor, the Mayor, presented the following petition:

INDIANAPOLIS, Feb. 8, 1869.

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

Gentlemen:—Some two months ago I petitioned the Council to order the refunding to me of a tax which I had been required to pay on some personal property assessed in the name of Mrs. E. Mothershead, for the year 1867, on lots Nos. 2 and 3, in square 74.

Mrs. Mothershead died in the early part of 1866, a year before this assessment was made. The return must therefore be illegal, as no one can be held responsible for the payment of a tax upon personal property, levied a year

after that person's death.

But the Chairman of the Finance Committee refuses to order it to be refunded because, he says, the return was made by the administrator. He forgets, however, that the administrator is dealing with the dead. He should have found some live person to bestow his goods upon. Mrs. Mothershead had been dead about a year when he made this return; and the only heir she left was a citizen of Illinois (with his knowledge), and had been for months before he made the return to the Assessor. But if she had been a citizen of Indiana she could not be required to pay a tax assessed in the name of another, and that one dead a year before the assessment is made.

I hope the Council will order the amount refunded.

· Respectfully,

L. B. WILSON.

Which was referred to the Committee on Claims and City Attorney.

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS,) Indianapolis, Feb. 8, 1869.

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

GENTLEMEN:-The Board of Public Improvements, to whom was referred the bids for grading and graveling Michigan street and sidewalks, between Winston and Davidson streets, would report that Samuel Hanway is the lowest bidder, his bid being 55 cents per lineal foot, on each side of the street. We recommend that the contract be awarded said party.

We would also recommend that the petition of Coburn & Jones to lay a track from the f. C. & L. Railroad track across Louisiana street and the alley in square 89, be granted, provided said work be done to the satisfaction of the Engineer, and that they keen the track, and two feet on the outside of each rail planked. And provided further, The Council may order the track to be taken up at the expiration of six years.

We would also recommend that the petition of Osgood, Smith & Co., and others, asking for the construction of a culvert at the intersection of Illinois and South streets, so as to turn the water from Illinois into South street and thence to Pogues Run, be granted, and that the Street Commissioner be in-

structed to do said work.

Respectfully,

JOSEPH W. DAVIS, SAMUEL GODDARD, HENRY COBURN, Board.

Attest:

D. M. RANSDELL, Clerk.

Which was concurred in.

REPORTS FROM COMMITTEES.

Dr. Jameson, from the Committee on Finance, made the following report:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN: - The Committee on Finance would report, in reference to the petition of Richrrd Carr, representing that he had expended \$134.39 on a certain contract after an injunction had been laid by the court, but before the City had notified him. Having consulted the attorney in reference to the liability of the City, would respectfully recommend that the amount aforesaid be paid to Mr. Carr, with the approval of the Engineer.

P. H. JAMESON, THOMAS COTTRELL, Committee. R. M. PATTERSON, Civil Engineer.

Which was concurred in.

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

Indianapolis, Feb. 8, 1869.

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

Gentlemen: - Your Committee, to whom was referred a communication from the Hebrew Benevolent Society, praying for an appropriation of \$200, beg leave to report, that they could not agree upon a recommendation on this subject, and, therefore, refer the whole matter back to your honorable body for its final disposal.

Respectfully,

J. HENRY KAPPES, W. H. LOOMIS. Committee. HENRY GEISEL.

Which was received, and the petition asking for such appropriation laid on the table.

REPORTS FROM CITY OFFICERS.

The City Clerk made the following report:

OFFICE OF CITY CLERK, Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The City Clerk respectfully reports to the Council, the contract and bond of Charles Rooney, for grading and paving with brick the west sidewalk on Delaware street, between St. Clair and Pratt streets, is presented for your approval.

Respectfully,

D. M. RANSDELL, City Clerk. Per John G. Waters, Deputy.

Which was concurred in, and the contract and bond approved.

The City Clerk made the following report:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The City Clerk respectfully reports to the Council that there are on file in his office the following affidavits for the collection of street as. sessment by precept, as follows:

Samuel Hanway vs. Hoyt Stone et al, for \$234.

vs. Elijah T. Fletcher et al., for \$28.62.

" " vs. Geo. A. Guthrie, for \$32.31.

.4 " vs. T. J. Morse, for \$28.62.

" " qs. Valentine B. Cress, for \$45.97.

4: "

vs. John J. Coffman, for \$32.18. vs. J. Goodwiler, for 25.19. "

And would respectfully recommend that you order the precepts to issue.

D. M. RANSDELL, City Clerk.

Which was concurred in.

The Street Commissioner made the following report:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN:-I have the honor to report that I have built the culvert under the Madison and Jeffersonville Railroad track, at the intersection with Madison Avenue, as ordered by the Common Council, and the cost thereof is \$112.40.

I would also report that the money appropriated to my use is expended, and I have overdrawn about \$100. I have not done any work except that ordered by your honorable cody.

Respectfully submitted,

AUGUST RICHTER, Street Commissioner.

Which was concurred in.

Also the following report:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—The close of the year, and the present almost total suspension of public works, suggests to me the propriety of presenting to your honorable body and the public, a comparative statement of the amount of meney expended and the work performed by me, under your direction, during the year 1868.

The total amount of appropriations made and paid by the City Auditor, from January 1 until December 31, 1868, for work done in my department,

is \$18,344.83.

This sum represents the total amount of resources placed at my disposal during the year 1868, and from them all the expenses connected with my department, including the overseer of the chain-gang, have been paid.

With this amount of money I have, during the year 1868, performed the

following work:

- 1. I have built one entire new bridge across the Central canal
- Also built two wooden protection walls of 134 feet long each.
 I have, also, built one hundred and thirty-five foot-bridges.

4. I built forty-seven wooden culverts, from 18 to 145 feet long.

5. I built three stone culverts.

- Cleaned and scraped one hundred and twelve squares of bowldered streets.
- 7. I opened and re-graded the gutters in three hundred and thirty squares,
 8. I filled up, with gravel and spalt, one hundred and twenty-four cross-
 - I filled up, with gravel and spalt, one hundred and twenty-four crossings.

9. Laid down four flag stone crossings.

- 10. Built fifty-six yards of asphaltum pavement, and set thirty-four lineal feet of curb stone.
- 11. Refloored four bridges over Pogues Run and the Central Canal.

12. Built two foot bridges over Pogues Run and the Central Canal.

13. Built three stone culverts.14. Built two stone abutments.

15. Graded and graveled three squares of sidewalks.

16. I planked, according to Council's order, nine crossings between different railroad tracks, the full width of the streets.

17. Made eleven hundred yards of new bowldered crossings.18. Re-bowldered forty-three hundred yards of crossings, &c.

19. Besides this, I hauled and deposited on the streets more than sixtythree hundred yards of gravel and spalts, for filling up holes in and repairing streets and sidewalks, &c.

20. Repaired two squares of brick pavement.

21. Re-bowldered two squares of gutters.22. I kept both market squares clean during the last year.

23. I also hired a man for receiving gravel 86½ days.

24. I raised the Citizens' Railroad track, on Virginia Avenue, three-quarters of a mile long.

The list includes, of course, only the larger items of the work performed by me, and set forth in my monthly report. Innumerable small jobs of re-

pairing culverts, foot and other bridges, streets, gutters, &c., which have never been reported by me, but all such work has been promptly attended to by me when brought to my knowledge.

to by me when brought to my knowledge.

I have purchased and paid for all the materials, as well as for the labor necessary in my department, and no bills or debts are outstanding against

the City contracted by my department.

I hope this report of the work actually performed by me, under your direction, during the last year, will be sufficient proof to the public that the money appropriated for my department has been economically expended, and that the full value therefor has been received by the City.

Respectfully,

AUGUST RICHTER, Street Commissioner.

Which was received.

The City Attorney made the following report:

INDIANAPOLIS, Feb. 8, 1869.

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

GENTLEMEN:—I have examined the petition of Eliza Blake and respectfully submit the following:

I am of opinion that the cost of the improvement referred to in the petition can be legally collected from the property owners.

Respectfully,

B. K. ELLIOTT, City Attorney.

The disposition of which was postponed one week.

The City Attorney also made the following report:

Indianapolis, Feb. 8, 1869.

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

GENTLEMEN:—The case of McKernan vs. City, has been decided by the Court of Common Pleas, and the right to straighten Pogues Run affirmed

by that Court.

I deem it proper to advise that the damages assessed in favor of property owners, deducting benefits, should be tendered, and the work ordered to proceed without unnecessary delay. It will be unsafe to proceed without first tendering damages. I am inclined to think that where the benefits exceed the damages, they (the benefits) they cannot be collected until after the work has been done.

Respectfully,

B. K. ELLIOTT, City Attorney.

Which was concurred in.

Mr. Seidensticker offered the following resolution:

Resolved, That the City Treasurer be directed to tender the amount of damages assessed for straightening Pogues Run at once, deducting benefits, and that the City Clerk notify the contractor to proceed with his work of straightening.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis,

Geisel, Goddard, Herschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn -13.

No Councilman voting in the negative.

So the resolution passed.

ORDINANCES ON SECOND READING.

On motion, the following entitled ordinances were read the second time and ordered to be engrossed:

Special ordinance No. 4-1869.

Special ordinance No. 5-1869.

Special ordinance No. 3-1869.

Special appropriation ordinance No. 4-1869.

Dr. Woodburn called up general ordinance No. 5-1869, entitled:

An Ordinance concerning the rebuilding and repairing frame or wooden buildings within the fire limits, &c.

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

Mr. Davis moved that the rules be suspended, and the ordinance be placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MccArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the rules were suspended and the ordinance read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

ORDINANCES ON THIRD READING.

Mr. Kappes called up special appropriation ordinance No. 4-

1869, appropriating money to the City Hospital for the month of January, 1869.

Which was read the third time and placed upon its passagee.

The question being, shall the ordinance pass? those who voted in the affirmative were Ccuncilmen Coburn, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Cottrell called up general ordinance No. 3-1869, entitled:

An Ordinance to amend section 17 of an ordinance protecting public morality, decency and order, passed December 21, 1868.

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

No Councilman voting in the negative.

So the ordinance passed.

By consent, Mr. Goddard presented the following remonstrance:

Indianapolis, Feb. 8, 1869.

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

Gentlemen:—It having come to the knowledge of the Board of Directors of the Terre Haute and Indianapolis Railroad Company, that an order has been made by, and that an ordinance is now pending before your honorable body, requiring said company to employ and keep a flagman at the crossing of West street, in said city; and it having been reported that statements have been made before your honorable body that said Railroad Company favors the passage of such an ordinance.

Said Company now respectfully asks a rescission of said order, and remonstrates against the passage of such an ordinance, for the following reasons,

VIZ:

The public safety does not require a flagman at said crossing.

There are no houses or enclosures at or near said crossing to obstruct a full view of said company's tracks.

West street, though a public highway, is used to a very limited extent at said point.

Said company's employes are always at said caossing when trains are moving, and are watchful and careful in guarding against accidents.

Said company refers to the past management of its affairs as a guarantee of its future care and watchfulness for the public safety.

Neither said company nor its officers have ever authorized any one to request or consent to the passage of such order or ordinance.

W. R. McKEEN,
President Terre Haute & Ind's R. R. Co.
C. R. PEDDLE,
Superintendent T. H. & Ind's R. R. Co.
JOHN E. SIMPSON,
Assistant Sup't T. H. & Ind's R. R. Co.

Which was referred to the Committee on Railroads, together with the ordinance.

On motion, the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST:

D. M. RANSDELL, City Clerk.