

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS, }
MONDAY, AUGUST 14TH, 1865, 7½ O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members at first roll-call:

Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, Lefever, Loomis, Seidensticker and Thompson—12.

Absent—Councilmen Colley, Fletcher, Jameson, MacArthur, Schmidt and Staub—6.

The proceedings of the regular session, held August 7th, 1865, were read and approved.

By Mr. Brown—Petition:

INDIANAPOLIS, August 14, 1865.

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

The undersigned, citizens of the United States and residents of Indianapolis, living on Union street, would respectfully represent to your honorable body that the aforesaid Union street, inclusive with sidewalks, is, from the commencement of said street, at Madison Avenue, to Ray street, a distance of about 5 or 6 squares, sixty feet wide, and from thence, that is, from Ray

street to the Corporation limits, not quite two squares, the street, with sidewalks, is seventy feet wide, making an abrupt enlargement, and being of no material benefit and use for any one, and only spoiling the good looks of the street, the undersigned citizens, all living immediately on said street, would petition your honorable body to pass an ordinance whereby five feet on each side of said Union street, lying south from said Ray street to the Corporation limits, be vacated, so as to make the whole length of Union street of uniform width, and your petitioners will for ever pray.

Henry Reinfels,
William Meyers,
M. B. Cleaver,
Joseph Kernel,
And 18 others.

Which, on motion, was laid upon the table, until proper notice be given by petitioners.

By Mr. Emerson—Remonstrance :

INDIANAPOLIS, August 14, 1865.

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

The undersigned, residents and property owners in Square number thirty-two (32), in the City of Indianapolis, would respectfully remonstrate against the grading and graveling of the alley running north and south through said Square, number thirty-two (32), this year.

They therefore ask the Council to rescind the ordinance providing for the grading and graveling of said alley. The cost of the work, added to the unusually heavy taxes, would be oppressive; and said alley being in a good condition, we deem the expense unnecessary.

Mrs. H. T. Jenison,
Henry Frommeyer,
S. A. Schrader,
R. C. Stout,
Thomas M. Blain,

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, August 14, 1865.

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

The undersigned, citizens of the counties of Marion, Boone, Hendricks, Montgomery, Fountain and Warren, in the State of Indiana, and Vermillion, county, in the State of Illinois, would respectfully represent that it is in contemplation to construct a Railroad from Indianapolis, Indiana, to Danville, Illinois, through the towns of Brownsburgh, Jamestown, Crawfordsville, Covington and Danville, Illinois, connecting at the last named point with the Great Western Railroad, through the State of Illinois; and also connecting at the City of Indianapolis with the Indianapolis and Cincinnati Railroad; that already the required subscriptions have been obtained, except some nine thousand dollars, and that we confidently believe that the whole amount will shortly be raised; that it is necessary to obtain the "right of way" through certain streets in the City of Indianapolis to reach the Union Depot and connect with the Indianapolis and Cincinnati Railroad. We therefore ask your honorable body to grant the "right of way" over and through the following

named streets, to-wit, as is shown in the plat herewith, which is made a part of this petition :

Beginning at a point in the centre of Mississippi and Louisiana streets and running thence diagonally across said Louisiana street and over part of block No. 90; thence across Kentucky Avenue; thence across part of block No. 90, until it reaches a point on the canal midway between Georgia and Louisiana streets; thence across said canal and block No. 91, until it reaches a point on Georgia street midway between West street and said canal; thence diagonally across said street until it reaches a point near and north of the centre of said Georgia street; thence with said street from said point in a straight line to White River. Your petitioners ask that thirty (30) feet may be granted for the purposes aforesaid.

Respectfully submitted,

JOHN LINGERMAN,	}	Hendricks Co.
JESSE R. COPE,		
M. P. SENNOTT,		
WILLIAM WHITE,	}	Poone Co.
JOHN LOWRY,		
DAVID HUNTER,	}	Montgomery Co.
JOHN W. BLAIR,		
J. C. WILSON,		
JAMES P. WATSON,		
W. A. LANSTER,	}	Fountain Co.
E. McDONALD,		
JOSEPH RISTINE,		
COL. CHANDLER,		Vermillion Co., Ill.
By JAMES WILSON.		

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, August 14, 1865.

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

The undersigned respectfully petition for permission to fill up Merrill street in front of their property up to the grade, under the direction of the Civil Engineer.

RICHARD SIMPSON.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, August 14, 1865.

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

The undersigned respectfully asks for permission to fill up the alley running east and west, just south of Duncan street, between Alabama and Delaware streets, under direction of the Civil Engineer.

H. H. SCHROER.

Which, on motion, was referred to the Board of Public Improvements.

Mr. Grosvenor introduced special ordinance No. 65, entitled.

AN ORDINANCE to provide for the grading and graveling of the sidewalk on the west side of Missouri street, between South and Merrill streets,

Which was read the first time, and, on motion, was read a second time.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, August 10th, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that, in relation to the petition of Christ. Hartman and others to have Spring street graded and graveled, they have had prepared an ordinance for the same.

They have also had prepared an ordinance for the grading and graveling of Michigan street, between Pennsylvania and Meridian streets, as petitioned for by property holders.

Also, an ordinance for the improvement of an alley petitioned for by L. Miller and others, all of which to be read first and second time, and laid on table till first meeting in February, 1866.

HENRY COBURN, }
AD. SEIDENSTICKER, } Board.

Which, on motion, was received.

Mr. Coburn then introduced special ordinance No. 66, entitled.

AN ORDINANCE to provide for the grading and graveling of Spring street and sidewalks, between Market and Ohio streets,

Which was read the first and second times; and, on motion of Mr. Coburn, was laid upon the table until the first meeting in February, 1866.

Also special ordinance No. 67, entitled :

AN ORDINANCE to provide for the grading and graveling of the alley running east and west through out-lot 175, between Delaware and Alabama streets,

Which was read the first and second times; and, on motion of Mr. Coburn, was laid upon the table until the first meeting in February, 1866.

Also, special ordinance No. 68, entitled :

AN ORDINANCE to provide for the grading and graveling of St. Joseph street and sidewalks, between Meridian and Pennsylvania streets,

Which was read the first and second times; and, on motion of Mr. Coburn was laid upon the table until the first meeting in February, 1866.

Also, special ordinance No. 69, entitled

AN ORDINANCE to provide for grading and paving with brick the sidewalk on the north side of Michigan street, between Pennsylvania and Meridian streets.

Which was read the first and second times; and, on motion of Mr. Coburn, was laid over to have notice of pendency given.

By Mr. Coburn, from the Board of Public Improvements:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, August 21, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that, it would be the best to have the city finish the bridge the full width, over Pogue's Run, on Pennsylvania street, and let the Union Railway Co. build the bridge the full width of Delaware street, and that the Clerk be directed to notify the Company.

HENRY COBURN, }
AD. SEIDENSTICKER, } Board.

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements:

OFFICE BOARD PUBLIC IMPROVEMENTS, }
Indianapolis, August 10, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully recommend that, J. F. Ramsey and others be allowed to pave the sidewalk in front of their property on Pearl street, as asked for by petition, if done under the direction of the Civil Engineer.

H. COBURN, }
AD. SEIDENSTICKER, } Board.

Which, on motion, was concurred in.

By Mr. Seidensticker, from the Board of Public Improvements:

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, August 9, 1865. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that, in accordance to instructions, the Street Commissioner has doubled his force of hands, and they herewith report an ordinance appropriating \$2,000 for the use of said officer, which amount they deem necessary for said work, and the purchase of the required lumber for bridges and culverts.

HENRY COBURN, }
AD. SEIDENSTICKER, } Board.

AN ORDINANCE appropriating money for the repairing and cleaning of streets and gutters, and the building and repairing of bridges and culverts.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of two thousand dollars, in addition to the amount heretofore appropriated, is hereby appropriated for the use of the Street Commissioner, to be expended by said officer, under the direction of the Board of Public Improvements, in repairing and cleaning streets and gutters and building and repairing bridges and culverts, and to be accounted for by him in the same manner as other moneys heretofore appropriated.

SEC. 2. This ordinance is to take effect and be in force from and after its passage.

On motion, the report was received, and the ordinance read the first time by its title.

And, on motion of Mr. Seidensticker, was read the second time.

Mr. Seidensticker then moved that the rules be suspended and the ordinance read the third time, and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, Lefever, Loomis, Seidensticker and Thompson—12. Noes, none.

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 Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, Lefever, Loomis, Seidensticker and Thompson—12. Noes, none.

So the ordinance passed.

Mr. Allen, Chairman Committee on Fire Department, reported verbally that the Committee on Fire Department had decided it was necessary to immediately purchase a new Steam Fire Engine, as the old No. 1, Engine was liable at time to become unfit for service; and recommend the purchasing of the new Engine now in the City manufactured at the Island Works, Seneca Falls, New York.

Which on motion, was laid over.

By Mr. Boaz, from the Committee on Police :

INDIANAPOLIS, August 14, 1865.

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

Your Committee on Police, to whom was referred the resolution in regard to badges for the police men, would respectfully report that we think the badges had better be dispensed with for the present, by reason of the fact

that our police force is small and not adequate to the amount of villany committed in the city.

In order to make our present force as effective as possible, it will be better if they are not immediately recognized by rogues.

We recommend again an additional number of policemen. When the force is complete, we can then profitably use the badges.

• WILLIAM BOAZ,
J. HENRY KAPPES, } *Committee.*

The question being, on concurring in the report, Mr. Brown called for a division of the question.

The question then being on concurring in so much of the report as relates to the purchasing of badges for policemen, the ayes and noes were called for.

The question then being, shall the first part of the report be concurred in, those who voted in the affirmative were Councilmen Boaz, Glazier, Jameson, Kappes and Loomis—5.

Those who voted in the negative were Councilmen Allen, Brown, Coburn, Emerson, Grosvenor, Lefever, Seidensticker and Thompson—8.

So the first part of the report was not concurred in.

The question then being, on concurring in so much of the report as relates to an increase of the police force, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Boaz and Kappes—3.

Those who voted in the negative were Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Lefever, Loomis, Seidensticker and Thompson—10.

So that part of the report relating to an increase of the police force was not concurred in.

Mr. Grosvenor then moved that the resolution on the subject, afforded by him at last meeting of Council be referred to the Committee on Revision of Ordinances, with instructions to so amend the police ordinance as to embrace in it the provisions of the said resolution.

Mr. Emerson, from the Committee on Public Buildings, to whom the matter was referred, moved a concurrence in the report from the

Committee on Public Buildings, made to Council August 7th, 1865, recommending the completion of the House of Refuge.

Which motion did not prevail.

On motion, His Honor, the Mayor, was directed to draw the appropriation made by the County Commissioners for the construction of the House of Refuge, and deposit the same in Bank.

From the Civil Engineer—Report :

INDIANAPOLIS, August 14, 1865.

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

The Civil Engineer respectfully reports to Council :

1st. The contract and bond of Michael Shea for grading and graveling St. Clair street and sidewalks, between Meridian and East streets.

2d. The contract and bond of Messrs. Siebert and Stewart for grading and graveling Maryland street, exclusive of the sidewalks, between Delaware and Alabama streets.

3d. The contract and bond of James Mahoney for grading and graveling New York street and sidewalks, between Illinois and Tennessee streets.

4th. Sundry proposals for various street improvements, which are herewith submitted to the Council.

5th. Courtland E. Whitsit the contractor for grading and paving the east sidewalk on Pennsylvania street, between Ohio and St. Clair streets, has completed the same according to the terms of his contract, and an estimate is herewith reported for your approval.

6th. Samuel Hanway to whom was awarded the contract for grading and graveling Washington street, between Pogue's Run and the corporation line east, has not come forward to sign the bond and contract, prepared for him, to do said work.

7th. Messrs. Hanway and Cowan to whom was awarded the contract for grading and graveling New York street and sidewalks, between Noble and Winston streets, have not come forward to sign their contract and bond, but Mr. Kowan informed me to-night, that he will file their bond for said work at the next meeting of your honorable body.

JAMES WOODS, *Civil Engineer.*

On motion, so much of said report as relates to the contracts and bonds for public works was concurred in, and the contracts and bonds accepted and approved.

On motion, the proposals for public works were referred to the Board of Public Improvements.

Mr. Coburn moved—

That Messrs. Coulter and White be allowed to amend their bid, presented at last meeting of the Council, for the erection of lamp posts and fixtures on Circle street, between East and West Market street.

Which motion prevailed.

By Mr. Brown :

Resolved, That the first and final estimate reported and certified to by the Civil Engineer in favor of C. E. Whitsit, for paving the east sidewalk on Pennsylvania street, between Ohio and St. Clair streets, be, and the same is hereby, adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the passage of the resolution those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Seidensticker and Thompson—13. Noes, none.

So the resolution passed.

On motion, the remainder of the Civil Engineer's report was received.

From the City Attorney—Report :

INDIANAPOLIS, August 14, 1865.

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

GENTLEMEN:—I have received from the counsel of the Madison and Indianapolis Railroad Company a proposition concerning the construction of a culvert under the company's track near the corporation line.

The company propose that the city construct the culvert, and that if the company is legally liable, the cost of the construction will be paid by the company.

It is, perhaps, proper to call the attention of your honorable body to the fact that some weeks since you directed the Street Commissioner to notify the Company to construct the culvert

I do not think it would be advisable to accept the proposition unless the construction of the culvert is so important as to justify payment out of the City Treasury. One reason for this opinion is that the liability of the company depends upon facts, of which, so far as I know, the Council are not in possession. And another reason is, that it might be difficult to collect it from the company because of their pecuniary embarrassments.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

On motion, the report was received, and the proposition of the Railroad Company accepted.

From the City Attorney—Report :

INDIANAPOLIS, August 14, 1865.

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

GENTLEMEN:—I respectfully offer the following suggestions respecting the resolution directing suit to be instituted against H. Timmermann :

Although an action could be at once sustained against Mr. Timmermann, it would be expedient to cause the Engineer to notify Timmermann that he has abandoned and forfeited the contract, and that the Engineer, after such noti-

fication, cause advertisements to be published and the contract then awarded. By pursuing this course the measure of damages can be more accurately determined.

Very respectfully,

BYRON K. ELLIOTT,
City Attorney.

Which, on motion, was received.

Mr. Brown moved to reconsider the vote on the passage of special ordinance No. 64, to grade and gravel alley running north and south through Square No. 32.

Which motion did not carry.

Dr. Jameson moved that the matter be referred to the Committee on Revision of Ordinances with instructions to report an ordinance for the repeal of said ordinance numbered 64.

Which motion prevailed.

By Mr. Loomis:

Resolved, That the Street Commissioner be, and is hereby instructed to construct a small wooden culvert at the intersection of Fletcher Avenue and Donation street, under direction of the Civil Engineer.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Grosvenor:

Resolved, That the vote upon the final passage of General Ordinance No. 13, entitled "An Ordinance granting Julius A. Grosvenor, President of the Indianapolis Agricultural Works, the right to lay down a railroad track from the Rolling Mill track on Tennessee street," taken at the meeting of the Common Council held on the 7th of August, 1865, be and the same is hereby reconsidered.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Seidensticker and Thompson—12. Noes, none.

So the resolution passed.

The ordinance then being upon its third reading, Mr. Brown moved to amend by striking out the *proviso* to section 1st of said ordinance.

Which amendment was adopted.

Mr. Brown moved to further amend the ordinance by inserting after the words "lay down a railroad track," in the fifth line of the first section, the words "and to maintain the same for twenty years."

Which amendment was adopted.

The ordinance was then read the third time, as amended, and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis and Thompson—12.

Councilman Seidensticker voting in the negative—1.

So the ordinance passed.

Dr. Jameson moved—

That James Johnson be permitted to flag the sidewalk in front of his property, at the corner of East and Washington streets, with stone; to be done within thirty days, provided he obtains the consent of C. E. Whitsit, the contractor.

Which motion was adopted.

Dr. Thompson moved—

That John Pyle be authorized to grade and pave, with good hard burned brick, the sidewalk in front of his property on Meridian street, near the corner of Ohio street; and that the Civil Engineer be instructed to set the proper grade stakes.

Which motion was adopted.

UNFINISHED BUSINESS.

By Mr. Seidensticker—Communication :

INDIANAPOLIS, August 14, 1865.

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

GENTLEMEN:—Mr. Churchman having ordered me to stop work on Walnut street, between Meridian and Pennsylvania streets, I would respectfully ask for instructions in regard to the same, and would request, if the work on said square is to be stopped, to throw up my contract for the same.

JAMES STEWART, *Contractor.*

The grounds that Mr. Churchman stopped the contractor from breaking ground on Walnut street, on Asylum ground, is that said Walnut street has

not been laid out according to law. He contends that Walnut street does not extend beyond Meridian street east on Walnut.

ANDREW WALLACE.

Which, on motion, were referred to the Committee on Streets and Alleys.

On motion of Mr. Seidensticker the Council adjourned.

Present at roll call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, Seidensticker and Thompson—13.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.