

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, FEBRUARY 26TH, 1866, 7 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, Jameson, Kappes, Loomis, MacArthur, Schmidt, Staub and Thompson—14.

Absent—Councilmen Colley, Fletcher, Lefever and Seidensticker—4.

The proceedings of the regular session, held February 19th, 1866, were read and approved.

By Mr. Kappes—Petition :

INDIANAPOLIS, February 26, 1866.

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

GENTLEMEN :—The undersigned, owner of lot No. 5 in out-lot 157, block 1, is assessed on said lot with \$700. Said lot is worth only \$150. I respectfully ask your honorable body for a reduction and refunding of taxes paid on said lot over and above its value.

Respectfully,

C. E. HARRIS.

Which, on motion, was referred to Finance Committee.

By His Honor, the Mayor—Communication :

OFFICE UNION RAILWAY COMPANY, }  
Indianapolis, Feb. 23, 1866. }

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

GENTLEMEN:—At a meeting of the Board of Directors of this Company this afternoon, after consultation with J. L. Ketcham, Esq., it was thought best to appoint a committee of three to confer with a committee of three appointed by your body for the adjustment of the details of an ordinance regulating the speed of Railway trains in the City of Indianapolis, &c.

The present ordinance in one of its requirements jeopardizes the lives of citizens, and in one is impracticable. And the Board feel assured that if the operation of this ordinance can be suspended until a meeting of the joint committees can be had, it can be so amended as to make it satisfactory to the citizens, the Council, and the Railway Companies.

R. N. Brown, Esq., of the Bellefontaine Company, R. E. Ricker, of Terre Haute Company, and J. M. Lunt, Esq., of the Central Company, are the appointees of this Board to meet the Council committee. And feeling assured that the Council desires only the security and comfort of the citizens in the adoption of the ordinance referred to, it is hoped that the joint committee will meet as early as Tuesday evening next, Feb. 27th, 1866.

Very respectfully, yours,

W. N. JACKSON, *Secretary.*

Mr. Loomis moved that the communication be received, and a special committee of three be appointed in compliance with the request of the Union Railway Company, to meet with the committee appointed by said Railway Company for the adoption of some plan in regard to the manner of running locomotives and trains through the city.

Which motion was adopted.

His Honor, the Mayor, appointed Councilmen Loomis, Brown and Grosvenor, as such Special Committee.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, February 26, 1866.

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

The undersigned, merchants and business men of the City of Indianapolis, believing that the reasons for passing the ordinance prohibiting the soliciting of patronage, &c., for business houses in the streets and public places of the city have entirely passed, by the final discharge of nearly all the troops of this State; and believing that its further continuance in force is liable to interfere with regular and legitimate business, affording interested parties opportunities of annoying innocent persons, thereby creating bad feeling without any good result, would most respectfully petition your honorable body that the said ordinance be repealed at the earliest practicable day.

H. & L. Loevenhart,

J. Ullmann,

A. Decker,

Marks & Ehrlick,

A. Hays,

And 13 others.

Which, on motion was referred to the Committee on Revision of Ordinances.

## By Mr. Grosvenor—Petition :

INDIANAPOLIS, February 26, 1866.

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

GENTLEMEN :—Your petitioner being desirous of building on lot No. 2, in out-lot No. 21, and at the present time the water from the Bluff Road now passes across my lot, I would like the privilege of putting a culvert under the walk at the corner of Ray street and Bluff Road, that the water may be turned down Ray street, which I will do at my own expense, without any charge to the city, if granted the privilege.

MICHAEL CLINE.

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

## Mr. MacArthur offered the following motion :

That the Street Commissioner be instructed to repair in such a manner as to make passable that portion of the sidewalk between Washington and Market streets, on the west side of North Tennessee street, and charge the same to the State of Indiana.

Which was referred to the Board of Public Improvements.

## Mr. Loomis offered the following motion :

That Charles Lohman be permitted to erect hay scales on Cedar street near Virginia Avenue.

Which motion was adopted.

## Dr. Jameson offered the following motion :

That the Committee on Gas Light be directed to confer with the Superintendent of the Gas Company in reference to the amount of gas required for lighting the street lamps, and the accuracy of its measurement, and all other matters of public interest connected therewith; and that the Committee on Gas Light also be directed to request the Gas Company to agree with this Council to make an agreed case of litigation to test the claim of said company to light the city with gas for 5 years from the expiration of their present charter, as claimed by said Gas Company under an act of the General Assembly of the State of Indiana.

Which was adopted.

## Mr. Grosvenor offered the following motion :

That Hugo Marmont be allowed to construct a sewer under the sidewalk from his premises on Illinois street to the gutter, under direction of City Engineer.

Which motion was adopted.

## Mr. Loomis offered the following resolution :

*Resolved,* That the Chief Fire Engineer be, and is hereby directed to cause the watchmen on the Fire Tower to strike the hours, both day and night, as near as may be, with the time of this longitude and latitude, in other words, city time; a clock to be provided for that purpose, and the service to be rendered without additional pay.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Emerson, Glazier, Loomis, Schmidt, Seidensticker, Staub and Thompson—9.

Those who voted in the negative were Councilmen Boaz, Coburn, Grosvenor, Kappes and MacArthur—5.

So the resolution passed.

Mr. Brown offered the following resolution :

*Resolved*, That the Board of Public Improvements be instructed to cause plans and estimates to be made for a bridge over Pogue's Run on Tennessee street, of the full width of the street, and with stone abutments, with a view to the speedy construction of the same.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14. Noes, none.

So the resolution passed.

Mr. Coburn introduced special ordinance No. 7—1866, entitled :

AN ORDINANCE to provide for the grading and graveling of Vermont street and sidewalks, between Meridian and Alabama streets,

Which, on motion, was read the first time by its title ;

And, on motion, was read the second time and laid over to have notice of pendency given.

Mr. Loomis introduced general ordinance No. 38, entitled :

AN ORDINANCE providing for a contract with the Indianapolis Gas Light and Coke Company for furnishing gas to the city and citizens of Indianapolis upon certain conditions therein named,

Which was read the first time, and, on motion, was referred to the Special Committee on Gas.

Mr. Seidensticker introduced special ordinance No. 8—1866, entitled :

AN ORDINANCE to provide for the grading and graveling of North street and sidewalks, between Noble and Winston streets,

Which was read the first time, and, on motion, was read the second time and laid over to have notice of pendency given.

Mr. Loomis introduced general ordinance No. 39, entitled :

AN ORDINANCE regulating the storage of combustible and inflammable material within the City of Indianapolis,

Which was read the first time by its title, and, on motion, was read the second time.

Mr. Loomis moved that the rules be suspended and Joseph W. Davis, Esq., be permitted to address the Council on the subject.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

Councilman Emerson voting in the negative—1.

So the rules were suspended, and Mr. Davis addressed the Council upon the importance of the immediate passage of an ordinance on the subject referred to in general ordinance No. 39.

Mr. Allen moved—

That the ordinance be referred to a special committee and City Attorney, and in the mean time the Chief Fire Engineer be instructed to look after and abate the danger referred to by Mr. Davis immediately.

Which motion was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Allen, Lefever and Grosvenor.

Dr. W. Clinton Thompson introduced special ordinance No. 9—1866, entitled:

AN ORDINANCE to provide for grading and graveling the alley running north and south through out-lot No. 170, between Pratt street and the Corporation line, north,

Which was read the first time by its title, and, on motion, was read the second time, and laid over to have notice of pendency given.

Dr. Thompson, from Committee on Accounts and Claims, presented an account from James H. McKernan, for rent of Pest House property from August 1st, 1865, to February 12th, 1866, being five months and thirteen days, at \$12.83½ per month, making a total of \$112.50.

Which, on motion, was referred to the Committee on Accounts and Claims.

His Honor, the Mayor, reported that he had received notice of the return, by Express, of the City Bonds from Messrs. Winslow, Lanier & Co., of New York, and that the Express charges on same were about \$175.00.

On motion, the matter was referred to the Finance Committee.

By Mr. Kappes, from the Committee on Benevolence :

INDIANAPOLIS, February 26, 1866.

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

GENTLEMEN:—Your committee, to whom was referred the petition of James M. Ray and others, respectfully report, that inasmuch as we have not received a definite proposition of the petitioners, we refer said petition back to the Council for further action.

J. H. KAPPES,  
W. C. THOMPSON, } Committee.  
W. H. LOOMIS,

On motion, the report was received, and the matter postponed.

By Mr. Kappes, from Select Csmmittee :

INDIANAPOLIS, February 26, 1866.

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

The Special Committee, to whom was referred the ordinance regulating the salary of the City Auditor, would respectfully report that the estimated perquisites of said office, per annum, will be \$5,604, and therefore recommend that the City Auditor shall receive *no* salary.

They further report that the City Attorney is of the opinion that the City Auditor can legally charge for work done for the city.

J. HENRY KAPPES, }  
AUSTIN H. BROWN, } Committee.  
P. H. JAMESON,

On motion, the report was received.

General ordinance No. 33, entitled :

AN ORDINANCE prescribing the duties of City Auditor, and such other officers as are affected by the creation of that office, and regulating other matters properly connected therewith,

Was then taken up on second reading.

Mr. Brown moved to amend section 2 by substituting the following :

SEC. 2. Such City Auditor shall be entitled to receive for his services such fees as the laws of the State authorize County Auditors, to receive, out of which fees he shall pay the salaries of all deputies, or clerks which may be employed in his office. For fees collectable from the city he shall render quarterly accounts, which shall be sworn to and duly examined by the Committee on Accounts of the Common Council, and, if found correct, the same shall be allowed by ordinance.

Pending which, Mr. Loomis moved to amend the amendment by inseting between the word "services," and the word "such," in the second line of second section, the words "an annual salary of \$1,500.00, and,"

The question being on the adoption of Mr. Loomis' amendment to Mr. Brown's amendment, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Emerson, Glazier, Loomis and MacArthur—5.

Those who voted in the negative were Councilmen Boaz, Brown, Coburn, Grosvenor, Kappes, Schmidt, Seidensticker, Staub and Thompson—9.

So Mr. Loomis' amendment was not adopted.

The amendment offered by Mr. Brown was then adopted.

Mr. Brown moved to amend section 6 by striking out all after the words "public inspection," in line 25 of clause "fifth;" and, also, all of clause "sixth."

Which amendment was adopted.

Mr. Brown moved to further amend by striking out all of sec. 7.

Which amendment was adopted.

Mr. Brown moved to further amend the ordinance so that all the retained clauses of section 6 shall be numbered in their order, and so that the retained sections shall be numbered in their order.

Which amendment was adopted.

The ordinance, as amended, was then read the second and third times 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, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14. Noes, none.

So the ordinance passed.

On motion of Mr. Seidensticker, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Emerson, Glazier, Grosvenor, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.