PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE CITY OF INDIANAPOLIS,
Monday, January 14th, 1867, 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:

Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Staub and Thompson—15.

Absent-Councilmen Kemker, Schmidt and Seidensticker-3.

The proceedings of the regular session held January 7th, 1867, were read and approved.

His Honor, the Mayor, announced that the first business in order was the consideration of the report of the Judiciary Committee and the resolution creating the office of City Judge.

Mr. Loomis moved that the matter be postponed until the next regular meeting of Council, in order to give Councilmen who were, by illness, prevented from being present, an opportunity of being heard and to vote on the subject.

Councilman Colley seconded the motion to postpone.

The motion was then adopted by a unanimous vote.

Mr. Emerson presented an account of A. Gay against the City of Indianapolis, for lumber furnished the late Street Commissioner, John M. Kemper, amounting to \$68.94.

Which was referred to the Committee on Accounts and Claims.

On motion by Mr. Gresvenor,

The Committee on Public Buildings was instructed to solicit propositions from citizens for the building of the House of Refuge for abandoned females, and the conducting and maintaing the same.

Dr. Jameson offered the following resolution:

Resolved, That whenever the City Council shall order any sidewalk, street, or alley to be improved, and the cost thereof to be assessed against the property owners, it shall be the duty of the Civil Engineer to furnish the City Auditor a plat of said street or alley, showing the length of all lines and distances which may be needed in making such assessment, which length and distances are not given on the plats recorded in the office of the County Recorder.

Which was referred to the Board of Public Improvements.

On motion by Mr. MacArthur,

The Civil Engineer was instructed to report a corrected estimate for Messrs. Dunn & Karney for furnishing and erecting lamp posts, lamps and fixtures on Alabama street, between New York and North streets, and that an estimate be prepared for such work.

Which was adopted.

Mr. MacArthur presented the following petition:

Indianapolis, Jan. 14, 1867.

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

The undersigned respectfully present to your honorable body their contract with the City Council of the 14th May, 1866, for the grading and graveling of North street and sidewalks, between Blackford and Minerva streets, at the following rate: For grading 35 cents per cubic yard, graveling 99 cts. per cubic yard; and show that on the 13th Sept. 1866, the Auditor reported to your honorable body the first and final estimate allowed the undersigned for grading and graveling North street and sidewalks, between Blackford and Minerva streets; and that on the same day the Council resolved that the said first and final estimate be and the same was then adopted as the estimate of the Council, and that the property owners were thereby required to pay the same as set opposite their names, amounting to \$3,504.14. And the undersigned proceeded to collect, and did collect, a part of said estimate. But there are certain of said property holders who have failed to pay their liabilities in the case, and the undersigned cannot collect except by authority.

The undersigned have been informed that the Council have rescinded said resolution, and caused enother estimate to be made, amounting to only \$2,733.21, against which they protest, and respectfully request that the Council restore the original estimate and order in order that the undersigned may proceed to collect their dues according to law and the ordinances of the city. And they will ever pray, &c.

S. J. & R. H. PATTERSON.

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Mr. Loomis moved to lay the petition on the table.

Mr. Colley called for the ayes and noes on the motion to lay on the table.

The question being on laying the petition on the table, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Loomis and Thompson—10.

Those who voted in the negative were Councilmen Colley, Mac-Arthur and Staub-3.

So the petition was laid upon the table.

Mr. Staub presented the following communication:

INDIANAPOLIS, Jan. 14, 1866.

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

Gentlemen:—We, the undersigned, property holders along the line of Massachusetts Avenue, between Chatham street and Corporation line, are perfectly satisfied with the grading and graveling of that Avenue done by Jas. Mahoney.

Henry Geisel, Henry Kettenbach, Christian Neerman, Lisette Bertelsmann, Chrs. Haag, And 9 others.

Which was received.

On motion by Dr. Thompson,

The members of St. Paul's Church were permitted to erect a lamp and lamp post before their Church on New York street, between Illinois and Meridian streets, the same to be done at their own expense, and under the direction of the City Civil Engineer.

The sealed proposals were opened and read by the City Clerk and referred to the Board of Public Improvements and City Auditor.

REPORTS OF BOARDS.

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

Office Board of Public Improvements, Indianapolis, Jan. 7, 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 to your honorable body that they find that Chas. S. Roney is the lowest bidder to pave the east sidewalk of Alabama

street, between Vermont and North streets, for seventy-seven cents per lineal foot front. We would recommend that the contract be awarded him.

HENRY COBURN,
J. A. GROSVENOR,
JNO. B. MACARTHUR,

Which was concurred in and the contract awarded.

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

Office Board of Public Improvements, Indianapolis, Jan. 9, 1867.

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

Gentlemen:—The Board of Public Improvements would respectfully report to your honorable body that the notice for the Canal Company to build a bridge over the Canal on Blackford street, was served by the Street Commissioner about the first of November, and has filed the same with the Clerk, and that they have done nothing towards building it. The Street Commissioner is now ready to build it. The cost of a bridge twenty feet wide and seventy feet long will be something less than five hundred (500) dollars.

HENRY COBURN,
J. A. GROSVENOR.
JNO. B. MACARTHUR,

On motion by Mr. MacArthur the report was received and the Street Commissioner directed to build the bridge.

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

Office Board of Public Improvements, \ Indianapolis, Jan. 9, 1867.

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 on the petition of property owners we submit the following ordinance for the improvement of the alley running east and west through out-lot 175.

HENRY COBURN,
J. A. GROSVENOR,
JNO. B. MACARTHUR,

Which was received.

Also, special ordinance No. 1-1867, entitled:

An Ordinance to provide for the grading and graveling of the alley running east and west through out-lot No. 175, between Delaware and Alabama streets,

Which was read the first time by its title and passed to a second reading.

REPORTS FROM COMMITTEES.

Mr. Colley, from the judiciary Committee, made the following report:

Indianapolis, Jan. 14, 1867.

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

Your Committee, to whom was referred the petition of Thos. Wren and the opinion of the City Attorney thereon, respectfully report, that they have placed the City Attorney in possession of all the facts connected with said Wren's claim, for erroneous assessment on Illinois street, who will report on the legal liability of the city to said Wren. Outside of the legal view said Wren's claim seems to be an equitable one against the city.

On the second point in said Wren's petition, the Attorney's decision is ample, and we renew his recommendation to refer to the City Engineer, with

instructions to report:

Whether the contract to improve Winston street was let and estimate granted to Thomas Wren before the adoption of the new Charter?

2. Whether the alleys in lot 31, out-lot 45, and in lot 46, out-lot 45, were laid out and platted as public alleys before the granting of the estimate.

S. A. COLLEY, W. H. LOOMIS, AD. SEIDENSTICKER,

On motion the first part of the report was referred to the City Attorney.

On motion the second part of the report was concurred in.

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

Indianapolis, Jan. 14, 1867.

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

Your Committee, to whom was referred the petition and claim of A. Richter, for reimbursement of the price of repairs to the city culvert under his new house on Virginia Avenue, etc., and also the opinion of the City Attorney, respectfully report:

We find that the culvert on said lot was built by the grantors of said Richter; that afterwards the city, without the consent, but also without the active resistance of the owner of said lot, took possession of said culvert by attaching another culvert, leading the water from above, and another carrying the water away below through Virginia Avenue.

We find, furthermore, that before building the petitioner notified the city, either to remove said culvert from his premises, or so to protect it as not to interfere with or cause damage to the house proposed to be erected; that in conformity with said notice and an order from the Council, the Board of Public Improvements had a consultation with the petitioner, who was also Street Commissioner, on the premises; that in said consultation it was agreed upon what additional protection would probably secure said culvert, and said Richter was ordered to do said work.

We find further, that the culvert above is larger, and the culvert below smaller, than that on the lot, thus giving it the shape of a funnel, large at its opening, small at the mouth; that principally in consequence of this peculiar construction, and because the walls yet green, the culvert and the new protection wall burst at the late freshet, flooded the cellars and cracked the walls of the house erected by the petitioner. The culvert was afterwards repaired, and the protection walls re-built, by order of the Board of Public Improvements. The cost of this and the first repairs amounts to \$377.24.

The cost of securing the house amounts to \$256.25.

After a full review of all the facts and the law bearing upon the case, your committee are of the opinion that the City is liable for the amount claimed by the petitioner, and we recommend that the City Auditor be instructed to include in his next ordinance an appropriation for \$633.49 in favor of said Richter. Respectfully,

S. A. COLLEY, W. H. LOOMIS, AD. SEIDENSTICKER,

The question being on concurring in the report, Mr. Brown moved a division of the question, on allowing the claim for the repairs of the culvert, and the claim for the damages to the building.

Which motion prevailed.

On motion so much of the report as relates to the claim of Mr. Richter for repairs to the culvert, was concurred in and the City Auditor directed to include in his next ordinance on accounts an appropriation for the amount of said repairs being 377 dollars and 24 cents.

Mr. Brown moved that so much of the report as relates to the damages to the building be laid upon the table.

The question being on the adoption of the motion, Mr. Emerson called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Fletcher, Jameson, Kappes, McNabb and Thompson—6.

Those who voted in the negative were Councilmen Allen, Coburn, Colley, Emerson, Glazier, Grosvenor, Loomis, MacArthur Staub-9.

So the motion to lay upon the table did not prevail.

On motion by Mr. Brown so much of the report as relates to damages to building was laid over for one week.

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

Indianalolis, Jan. 14, 1867.

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

The Committee on Streets and Alleys, to whom was referred a motion of inquiry as to whether any action of the Council is necessary to provide for numbering houses, report that an ordinance regulating this matter and fixing penalties was passed Oct. 17, 1864. This ordinance provided that the Council should authorize some person to designate numbers according to the plan of the ordinance, (one number to each sixteen feet of space,) and to notify all parties, and on failure of the parties to place such designated numbers on their houses within 30 days after receiving notice, they are subject

to pay a fine of not exceeding \$2.00, on conviction.

A person was appointed to designate numbers, and he proceeded to notify parties on all the streets of the city. After this was done he ceased operations, and since then no further action has been had. The matter of registering numbers seems to have been overlooked in the ordinance, and this fact has caused considerable trouble. The committee suggest that the City Clerk be required, by ordinance, to keep a register of all numbered houses, and that a failure to register shall subject the guilty parties to a penalty.

AUSTIN H. BROWN, Chairman Committee on Streets and Alleys.

Which was referred to the Committee on Revision of Ordinances.

Mr. Allen from the Committee on Fire Department, made the following report:

INDIANAPOLIS, Jan. 14, 1866.

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

Your Committee on Fire Department, to whom was referred the resolution of Mr. Loomis in reference to the kind of engine to be purchased by the city, have had the same under considertion, and would report that in their opinion the engine built by H. C. Silsby, of Seneca Falls, New York, is the better adapted for our use on account of its lightness, efficiency, and durability than any other engine heretofore considered by the Council, and would recommend that arrangements be immediately made for the purchase of a first class rotary steam fire engine of this build. The committee think that the subject of Steam Fire Engines has been referred to them as often as is necessary, they have reported the necessity of another engine repeatedly, and are now willing that the Council should take the responsibility, as they think they have done their duty.

Very respectfully,

WILLIAM ALLEN, HENRY COBURN, Committee

Mr. Grosvenor, from same Committee, male the following minority report:

Indianapolis, Jan. 14, 1867.

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

GENTLEMEN:—The undersigned, member of the Committee on Fire Department, begs leave to offer the following minority report upon the subject of the purchase of a Steam Fire Engine for the use of the city. Your committee have offered for consideration engines of three different manufactures, varying in price from \$4,500 to \$8,000. Two of the engines offered, the Latta and Amoskeag, are built with reciprocating or direct acting pumps, which, in my opinion, are much to be preferred for several reasons over the machine the majority of your committee report in favor of the city purchasing. Comparing the Latta with the Seneca Falls machine we find the cost of repairs for the Latta have been very much less than for the Seneca Falls machine during the time they have been in use, and now the Fire Engineer reports that the Seneca Fall's requires a new boiler, while the Latta is reported in good repair. Although we think the Latta is the best machine we have in use, and the principles involved in its construction are much to be preferred over a rotary engine and pumps—as used in the construction of the Seneca Falls—the price of the Latta, \$8,000 cash, appears large, but the manufacturers say they cannot make them for less money. The Amoskeag is built substantially upon the plan of the Latta, using two direct acting engines and pumps on each machine; the weight of the machine (5,500 lbs.) is much less than any machine in use in the city, and can be handled with two (2) horses on your streets. These engines are represented as being substantially built, capable of getting up steam as quick, if not quicker, than any machine we have in use. The price, four thousand five hundred dollars (\$4,500) asked for the Amoskeag is much less than any machine offered. This, in the present state of the city finances, is important, especially since the Amoskeag can probably be purchased for one and two years 6 per cent. City Bonds, as this was the offer of the manufacturers in August last, the machine delivered by the city.

We would, therefore, with all the facts before us, recommend that the Committee on Fire Department be instructed to confer with the manufacturers of the Amoskeag Engine and puachase one of their manufacture of machines, if one can be bought with City Bonds running one and two years,

bearing 6 per cent. interest.

J. A. GROSVENOR.

Mr. MacArthur moved to lay both the reports upon the table.

Mr. Emerson called for the ayes and noes.

Those who voted in the affirmative were Councilmen Colley, Emerson, Fletcher, Grosvenor, Kappes, MacArthur, Staub and Thompson—8.

Those who voted in the negative were Councilmen Allen, Brown, Coburn, Glazier, Jameson, Loomis and McNabb—7.

So the reports were laid upon the table.

Councilman Colley then gave notice that he would, at the next regular meeting of Council, introduce a bill for the purchase of a "Latta" Steam Fire Engine.

Dr. Jameson, from the Committee on Printing and Stationery, made the following report:

Indianapolis, Jan. 14, 1867.

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

Genmlemen:—The Committee on Printing and Stationery begs leave to report ordinance making appropriation for the payment of sundry claims for city printing and stationery, and would recommend the passage of the same. The general ordinances passed since the last revision are now being revised and printed as speedily as the City Attorney can prepare the same. The same were also ordered by your honorable body to be printed in the German language. Your committee would recommend that the late revised ordinances be also printed in that language, so as to complete the same in all respects as the English revision, when finished.

Very respectfully,

P. H. JAMESON.

Which was concurred in.

Also, special appropriation ordinance No. 5-1867, entitled:

An Ordinance appropriating money for the payment of sundry claims for City printing and Stationery.

Which was read the first time by its title and passed to a second reading.

Mr. Kappes, from the Committee on Benevolence and Hospitals, presented the report of the Superintendent of the City Hospital for the week ending January 12th, 1867, the recapitulation of which is as follows:

Number of patients in Hospital at last report	15
Number of patients received in Hospital since last report	
Number of patients born in Hospital since last report	
Number of patients discharged from Hospital since last report	3
Number of patients died in Hospital since last report	0
Number of patients remaining in Hospital at present report	16

Which was accepted and approved.

Dr. Jameson, from select Committee, made the following report:

Indianapolis, Jan. 14, 1867.

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

The undersigned committee to whom was referred the petition of the citizens asking the Commin Council to make an appropriation of \$50,000 00 to the Junction Railroad Company, have examined the same and are satisfied that the required number of tax payers have signed the petition to authorize the Council to make the appropriation asked for; we have also reported back the ordinance referred, with additional amendments.

Respectfully,

P. H. JAMESON,
JOHN G. WATERS, City Auditor,
WILLIAM HADLEY. "Ass'r,

On motion, the report was received and general ordinance No. 76, providing for the execution and delivery of bonds of the city to the Junction Railroad Company, was referred to His Honor, the Mayor, with all pending amendments.

REPORTS FROM CITY OFFICERS.

The City Auditor made the following report:

Indianapolis, Jan. 14, 1867.

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

GENTLEMEN:—The City Auditor respectfully reports the following:

lst. The Contract and Bond of Messrs. Feary & Dillon for grading and paving the south-east sidewalk on Circle street, between Meridian and Market streets.

2d. I have also prepared an ordinance appropriating the sum of twenty-

six hundred and seventy one dollars and sixty-seven cents, amount of damages awarded to the parties for straightening Pogue's Run, between Illinois street and the Central Canal, and have made it payable to the City Treasurer, as he is the person named in the Charter to collect the damages, and should pay out the benefits to the persons benefited.

Respectfully,

JOHN G. WATERS, City Auditor.

On motion the Contract and Bond were accepted and approved.

On motion the remainder of the report was received.

Also, special appropriation ordinance No. 6-1867, entitled:

An Ordinance appropriating money to W. H. Craft to pay benefits awarded to property owners in straightening the bed of Pogue's Run,

Which was read the first time by its title and laid over.

Also, special appropriation ordinance No. 7-1867, 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 laid over.

The City Treasurer made the following report:

Indianapolis, Jan. 14, 1867.

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

Gentlemen:—I would report to your honorable body that on the estimate of benefits in the case of opening alley through out-lot No. 42, I have collected the several amounts assessed with the exception of the following:

C. A. & W. R. Heath, lot 11, out-lot 42	-	-	-	-			\$30 00
Mary Schwier, lot 12, out-lot 42 -		-	-		-	-	30 00

And would ask your honorable body to direct the City Clerk to issue precepts in above namad cases.

Respectfully,

WM. H. CRAFT, City Treasurer.

Which was concurred in and the City Clerk directed to issue the precepts.

The Civil Engineer made the following report:

Indianapolis, Jan. 14, 1867.

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

Gentlemen:—There having been an error in the report for J. & J. Huffer, of the amount of work for grading and graveling New York street, exclusive of sidewalks, between the west side of West and the west side of Blackford

street, I would respectfully make	the	following report,	with	corrections,	for
the above work:				·	

Length of south	side	 809.6	"

JOSHUA STAPLES, Jr., Civil Engineer.

Which was approved and the City Auditor directed to prepare estimate.

The Civil Engineer also reported the following resolution:

Resolved, That the corrected estimate allowed Messrs Dunn & Karney for furnishing and erecting lampposts, lamps and fixtures on Alabama street, between New York and North 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, Brown, Coburn, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb and Staub—13.

No Councilman voting in the negative.

So the resolution passed.

The City Clerk made the following report:

Office of City Clerk, Indianapolis, Jan. 14, 1867.

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

Gentlemen:—The City Clerk would respectfully report to your honorable body that affidavits have been filed with him for the collection of street assessments by precept as follows, to-wit:

Richard Carr on behalf of Carr & Richter, against Stone, Witt, Ho	oyt	
et al., for	-	\$24 00
Richard Carr on behalf of Carr & Richter, against McKernan &	Da-	
vis, for -	-	48 00
Richard Carr on behalf of Carr & Richter, against C. & S. A. Flet	ch-	
er, Jr., for		32 70

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

Respectfully,

C. S. BUTTERFIELD, City Clerk.

Which was concurred in and the precepts ordered.

ORDINANCES ON SECOND READING.

On motion by Dr. Jameson special appropriative ordinance No. 5—1867, was taken up, read the second time and considered as engrossed.

On motion by Mr. Coburn special ordinance No. 1—1867, was taken up, read the second time and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Dr. Jameson moved that the rules be suspended and special appropriation ordinance No. 5—1867, be 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, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb and Staub—14.

No Councilman voting in the negative.

So the rules were suspended.

Special appropriation ordinance No. 5-1867, entitled:

An Ordinance appropriating money for the payment of sundry claims for city printing and stationery,

Was then 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, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb and Staub—14.

No Councilman voting in the negative.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Brown offered the following resolution:

Resolved, That the Select Committee appointed to confer with members of the Indiana Legislature with reference to further legislation concerning city matters, be instructed to confer with the Senator and Representatives from Marion county and request them to use their influence to have an amendment made to the City Charter authorizing the Common Council of any city to provide for compensating by salary only a City Judge, in case the Common Council shall deem it expedient to create such office, and to provide that all fees heretofore paid to the Mayor shall hereafter be paid into the

Court of the City Judge for the benefit of the city, and be by him paid into the City Treasury; and, also, to provide that policemen shall be prohibited from claiming fees in the Court of such Judge.

Which was laid over.

Dr. Jameson offered the following resolution:

Resolved, That the Committee on Streets and Alleys be instructed to inquire into the expediency of so amending the Charter as to allow of the vacating of streets in certain cases, allowing the parts so vacated to attach to property adjoining one side of the street only.

Which was adopted.

On motion by Mr. Staub, the report of the Civil Engineer, made to Council January 7, 1867, estimating the amount of work done by Daniel Mahoney, on Massachusetts Avenue, was taken up, approved and the City Auditor directed to prepare and report to Council estimate for same, deducting 10 per cent. of whole amount.

Mr. Grosvenor presented the following petition:

Indianapolis, Jan. 14, 1867.

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

The undersigned shows that his eyes are, and have been so much injured that he is unable to attend to any ordinary business, that he has a family of wife and four children, that to procure a support for himself and family he has resorted to peddling in a small way with a hand trunk. He asks therefore a license for his business without the expense of the usual fee therefor, and also asks permission for his wife, who is with him to peddle from a basket without license.

ALAMANDER ENDMUN.

Which was laid upon the table.

On motion by Mr. Coburn:

The Committee on Gas were instructed to purchase seven hundred (700) "iron fish tail burners," to burn four feet per hour, and have them put on the city lamps.

On motion by Mr. Loomis:

The City Auditor was directed to re-advertise for the erection of lamp posts on and along Virginia Avenue, between South and Bradshaw streets.

On motion by Mr. Colley the Council adjourned.

JOHN CAVEN, Mayor.

ATTEST:

C. S. BUTTERFIELD, City Clerk.