

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, DECEMBER 2D, 1867, 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 Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes Loomis, MacArthur, Seidensticker, Stanton and Woodburn—17.

Absent—Councilman Schmidt—1.

The proceedings of the regular session held November 25, 1867, were read and approved.

His Honor, the Mayor, announced that the special order for the evening was the consideration of the ordinance creating the office of Meat Inspector.

The ordinance was read the second time, and,

On motion by Dr. Jameson, was referred to the City Attorney, with instructions to report as to its legality.

REGULAR BUSINESS.

Mr. Foster offered the following motion :

That Thomas Carr be allowed to grade and gravel one half of the width of Merrill street and sidewalk in front of his property, and the same to be done in sixty days, and the Civil Engineer is hereby directed to set the grade stakes for the same, the same to be done under his direction and supervision.

Which was referred to the Board of Public Improvements.

Mr. Foster, also, offered the following motion :

That the Street Commissioner be directed to open the gutter on the south side of South street, so as to let the water into the Canal from said gutter.

Which was adopted.

Mr. Geisel offered the following motion :

That the Street Commissioner be directed to tear up Christian Wishmeyer's track that runs across North street, between Davidson and Railroad st., and that he fix it up properly.

Which was adopted.

Dr. Jameson offered the following motion :

That the Street Commissioner be directed to lay stone flagging at the crossings of Massachusetts Avenue and Alabama street.

Which was referred to the Board of Public Improvements.

Mr. Loomis presented the following petition :

INDIANAPOLIS, Dec. 2, 1867.

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

The undersigned, citizens of Indianapolis, respectfully represent that the object of the signers to, and the scope of, the petition recently presented to your honorable body, asking a conditional appropriation for sinking a test Artesian Well in this city, has been misunderstood. The sole object was to test the presence and extent of artesian power at this point, and the quality of the water so obtained, in the most economical manner, and not to benefit or aid any company or individuals.

The circumstances governing the location were peculiar; a well had been sunk and tubed with heavy four inch pipe, by private enterprise, to a depth of about 100 feet to solid limestone or bed rock, at a cost of \$500. The local object sought not justifying a further expenditure, the well was abandoned and the tube directed to be drawn for other use. A number of those petitioners, being advised of this intention, requested a delay until means could be had to continue the well as a test one, when the well and tools were placed at their disposal for this purpose, without any expectation of deriving any benefits, other than as tax payers and citizens, from their use.

We therefore respectfully petition your honorable body to appoint a Special Committee to meet a committee of your petitioners to consider the subject in all its bearings, and if the present location is objectionable, but the object proper and feasible, to select a location and suggest the amount and

terms of an appropriation sufficient to accomplish the object, and report for your favorable action. And as in duty bound will ever pray.

Andrew Wallace, Mooney & Co.,
S. A. Fletcher, Wm. Judson,
W. N. Jackson, And 33 others.

Which was referred to a select committee of three, consisting of Councilmen Davis, Cottrell and Loomis.

Mr. MacArthur offered the following motion :

That James Mahoney be allowed two weeks further time on his contract to pave Circle street. Also, the same time on his contract on First street, provided his security consents to the same.

The question being on the adoption of the motion,

Mr. Brown called for the ayes and noes.

Councilman MacArthur voting in the affirmative—1.

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—15.

So the motion was not adopted.

His Honor, the Mayor, asked to be excused for the remainder of the session.

Which was granted.

And Mr. Colley, President *pro tem.*, took the chair.

Mr. Stanton offered the following motion :

That the City Auditor and the City Civil Engineer be requested to furnish to the City Council, at the next regular meeting, a description by metes and bounds of the grounds already platted and those not so platted within the limits embraced in the report of the Special Committee, made to this Council recently in reference to the annexation of territory on the North and East of this city.

Which was adopted.

Mr. MacArthur moved that the subject of annexation be made the special order for the next regular meeting.

Which was adopted.

By consent, Mr. Loomis offered the following motion :

That all matters heretofore received appertaining to the extension of the city limits, be referred to a Special Committee of five members of Council, together with the City Attorney, with instructions to report at the next meeting of the Council.

The question being on the adoption of the motion,

Mr. Davis called for the ayes and noes.

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

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Cottrell, Foster, Geisel, Goddard, Kappes, Seidensticker, Stanton and Woodburn—11.

So the motion was not adopted.

Sealed proposals were then opened and read by the City Clerk and referred to the Board of Public Improvements.

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Nov. 27, 1867. }

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

GENTLEMEN:—Your Board of Public Improvement report, under the motion of Mr. J. W. Davis, in reference to grading and graveling the carriage ways in the City Cemetery, requiring your Board to contract with the City Sexton, have performed that duty and report as follows:

Garrison W. Allred, to grade and gravel the carriage ways in the City Cemetery (old division) at 15 cents per lineal foot on each side, to the depth of ten (10) inches, said work to be done on or before the 1st day of January, 1868.

Respectfully submitted,

JNO. B. MACARTHUR, }
SAMUEL GODDARD, } *Board.*
W. H. LOOMIS, }

Mr. MacArthur called for the ayes and noes upon concurring in the report.

Those who voted in the affirmative were Councilmen Goddard, Loomis and MacArthur—3.

Those who voted in the negative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Henschen, Kappes, Seidensticker, Stanton and Woodburn—12.

So the report was not concurred in.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Dec. 2, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom was referred the matter of repairing Maryland street, between Delaware and Illinois sts.,

respectfully report the same back to your honorable body for the reason that the Sixth Ward has exhausted all the appropriation given it by the Council for such repairs as above named.

Respectfully submitted,

JNO. B. MACARTHUR, }
SAMUEL GODDARD, } *Board.*
W. H. LOOMIS.

Which was concurred in.

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, Dec. 2, 1867.

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

GENTLEMEN:—Your committee, to whom was referred the petition from the Police Force, asking that their pay be increased seventy-five cents each per day or night, upon condition that they release to the city all taxable witness fees in their favor for violations of city ordinances, have had the matter under consideration in connection with the City Attorney, and herewith submit the written opinion of the City Attorney, and make it a part of our report as to the question of increase of compensation of the police force.

Your committee are of the opinion that the pay of policemen as now fixed is too low, and are of the opinion that if it could now be legally done, some ordinance ought to be passed to take from the force the witness fee in city cases, the collection of which, for their benefit, has and does subject them to the almost constant charge of arresting men alone for the witness fees in these cases; but as it seems to be a doubtful question as to whether such an arrangement can be made at this time, so as to put the matter in immediate force and effect and thus give effect to the request of the petitioners, therefore we have no recommendation to make on the subject, and respectfully refer you to the opinion of the City Attorney.

S. A. COLLEY, }
AD. SEIDENSTICKER, } *Committee.*
A. P. STANTON,

Also, the following opinion of the City Attorney.

INDIANAPOLIS, Nov. 30, 1867.

To the Judiciary Committee of the City of Indianapolis :

GENTLEMEN:—I have examined the petition of the Police Force and respectfully submit the following opinion :

I think there can be no doubt that the members of the Police Force are Officers of the city. It has been so decided in several cases. If they are to be regarded as officers of the city, and of this I think there can be no doubt, their compensation cannot be increased during their term of office.

I have not examined very carefully the question as to whether there could be a legal assignment of fees. It is a question deserving investigation, but its solution is not necessary, I think, to a decision of the questions presented by the petition.

Very respectfully,

B. K. ELLIOTT, *City Attorney.*

Which were received and concurred in.

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

INDIANAPOLIS, Dec. 2, 1867.

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

The Committee on Streets and Alleys, to whom was referred a motion instructing the committee to report some name for the street running north and south through square 91 other than the present name of the said street, report that as the names of streets are matters of taste, they respectfully ask the privilege of referring the matter back to the Council for its action in the matter.

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

Which was concurred in.

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

INDIANAPOLIS, Dec. 2, 1867.

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

GENTLEMEN:—Your committee beg leave to introduce the report of the Superintendent of City Hospital, together with an ordinance appropriating the sum of five hundred and eighty-eight dollars and ten cents for the month of November, 1867.

Respectfully,

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

} *Com. on Benevolence.*

Which was concurred in.

Also, the following:

RECAPITULATION OF THE MONTHLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING NOVEMBER 30, 1867.

Number of patients in Hospital at last report	23
Number of patients received in Hospital since last report.....	11
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report.....	14
Number of patients died in Hospital since last report	2
Number of patients remaining in Hospital at present report.....	19

Also, the following:

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING NOVEMBER 16, 1867.

Number of patients in Hospital at last report.....	24
Number of patients received in Hospital since last report.....	3
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report.....	4
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	24

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING NOVEMBER 23, 1867.

Number of patients in Hospital at last report.....	24
Number of patients received in Hospital since last report.....	0
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	6
Number of patients died in Hospital since last report.....	1
Number of patients remaining in Hospital at present report.....	17

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING NOVEMBER 30, 1867.

Number of patients in the Hospital at last report.....	17
Number of patients received in the Hospital since last report.....	4
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	1
Number of patients died in the Hospital since last report.....	1
Number of patients remaining in the Hospital at present.....	19

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING NOVEMBER 30, 1867.

Total expenditures for the month.....	\$471 10
Aggregate number of days for which subsistence, etc., was furnished.....	675
Average expense per capita per diem.....	\$0 61

Which were concurred in.

Mr. Kappes then introduced special appropriation ordinance No. 71—1867, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims on account of City Hospital, for the month of November, 1867.

Which was read the first time by its title.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, Nov. 30, 1867.

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

GENTLEMEN:—I have examined the petition of Andrew Wilson and respectfully report that, if it be true, as stated in the petition, that at the time the taxes were paid there was no delinquency, no penalty should have been charged, and it would be but proper to refund the penalty collected.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was received and referred to the Finance Committee.

The Civil Engineer made the following report :

INDIANAPOLIS, Dec. 2, 1867.

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

I hereby report the following work finished according to contract -

Feary & Dillon, for grading, paving and curbing the north sidewalk on Washington street, between Mississippi and Missouri streets.

229 feet and 10 inches pavement, at \$1.38 cents per lineal foot,	\$317 16
343 feet 6 inches curbing, at 80 cents per lineal foot,	274 80

Total estimate, - - - - -	\$591 96
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Also, Feary & Dillon, for grading, paving and curbing the south sidewalk on Washington street, between Mississippi and Missouri streets.

233 feet 5 inches pavement, at \$1.38 cents per lineal foot,	\$322 11
353 feet 6 inches curbing, at 80 cents per lineal foot,	282 80

Total estimate, - - - - -	\$604 91
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Also, William Kown, for grading and graveling the alley running east and west, through square 14, between Illinois and Tennessee streets.

Length on north side,	435 feet.
Length on south side,	435 "

Total length, - - - - -	870
At 18 cents per lineal foot, - - - - -	18

Total estimate, - - - - -	\$156 60
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Tennessee street, between Washington and Maryland sts.

1 corner post, at \$35, - - - - -	\$35 00
2 intermediate posts, at \$33, - - - - -	66 00

Total estimate, - - - - -	\$101 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Illinois street, between South and Garden streets.

1 corner post, at \$35, - - - - -	\$35 00
2 intermediate posts, at \$33, - - - - -	66 00

Total estimate, - - - - -	\$101 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on South street, between New Jersey street and Virginia Avenue.

1 corner post, at \$35, - - - - -	\$35 00
2 intermediate posts, at \$33, - - - - -	66 00

Total estimate, - - - - -	\$101 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Massachusetts Avenue, between New Jersey and Noble sts.

4 corner posts, at \$35, - - - - -	\$140 00
7 intermediate posts, at \$33, - - - - -	231 00

Total estimate, - - - - -	\$371 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on East street, between Massachusetts Avenue and Saint Clair street.

3 corner posts, at \$35,	-	-	-	-	-	-	-	\$105 00
4 intermediate posts, at \$33,	-	-	-	-	-	-	-	132 00

Total estimate,	-	-	-	-	-	-	-	\$237 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Market street, between Circle and Delaware streets.

1 corner post, at \$35,	-	-	-	-	-	-	-	\$35 00
3 intermediate posts, at \$33,	-	-	-	-	-	-	-	99 00

Total estimate,	-	-	-	-	-	-	-	\$134 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Georgia street, between Pennsylvania and Meridian sts.

2 intermediate posts, at \$33,	-	-	-	-	-	-	-	\$66 00
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Also, Indianapolis Gas Light and Coke Co., for erecting lamp-posts, lamps and fixtures on Georgia street, between Meridian and Illinois streets.

2 intermediate posts, at \$33,	-	-	-	-	-	-	-	\$66 00
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Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Auditor made the following report:

OFFICE OF CITY AUDITOR, }
Indianapolis, Dec. 2, 1867. }

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

GENTLEMEN:—The City Auditor has the honor to report the following first and final estimates, to-wit:

Allowed Hiram Seibert for grading and graveling Cherry street and sidewalks, between Fort Wayne Avenue and east side of Ash street.

Also, allowed Samuel Lefever for paving and curbing the sidewalk on the south side of Washington street, between East and Noble streets.

Respectfully,

JOHN G. WATERS, *City Auditor.*

Which was concurred in.

Also, the following:

Resolved, That the foregoing first and final estimate allowed Samuel Lefever, for paving and curbing the sidewalk on the south side of Washington street, between East and Noble streets, be, and the same is hereby, adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—14.

No Councilman voting the negative.

So the resolution was adopted.

Also, the following :

Resolved, That the foregoing first and final estimate allowed Hiram Seibert, for grading and graveling Cherry street and sidewalks, between Fort Wayne Avenue and the east side of Ash street, be, and the same is here by adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the resolution was adopted.

ORDINANCES ON SECOND READING.

On motion by Mr. Kappes, special appropriation ordinance No. 71—1867, was read the second time and ordered to be engrossed.

On motion by Mr. Seidensticker, general ordinance No. 116, was read the second time and ordered to be engrossed.

On motion by Mr. Foster, general ordinance No. 115, was read the second time and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Seidensticker called up general ordinance No. 116, entitled :

AN ORDINANCE prohibiting all persons but travelers and railroad employees from getting on or jumping off any railroad trains within the corporate limits, while the same are in motion.

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes moved that the rules be suspended for the purpose of passing the Hospital ordinance.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell,

Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the rules were suspended.

Mr. Kappes then called up special appropriation ordinance No. 71—1867, entitled:

AN ORDINANCE appropriating moneys for the payment of sundry claims on account of the City Hospital for the month of November, 1867.

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Kappes, Loomis, Seidensticker, Stanton and Woodburn—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown called up general ordinance No. 115, entitled:

AN ORDINANCE relative to placing a flagman at the crossing, at the intersection of Missouri street, or Canal, and Kentucky Avenue.

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

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

Councilman Woodburn voting in the negative.

So the ordinance passed.

UNFINISHED BUSINESS.

Mr. Brown offered the following motion:

That the report of the Select Committee on Artesian Well, made at the last meeting, and accompanying papers, be referred to the committee appointed at this meeting, to which was referred a petition on the same subject.

Which was adopted.

Mr. Davis offered the following motion:

That the Street Commissioner be directed to remove all the dead and partially dead locust trees from the streets, and to prepare the tops for fire wood, to be distributed to the poor of the city.

Which was referred to the Committee on Streets and Alleys, with instructions to prepare an ordinance and report it at the next meeting.

Mr. Goddard offered the following motion :

That the Street Commissioner be instructed to build a foot bridge across Pogue's Run on McCarty street, at the earliest period possible.

Which was adopted.

On motion by Mr. Geisel, the Council adjourned.

DANIEL MACAULEY, *Mayor*

ATTEST:

D. M. RANDELL, *City Clerk*.