

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, MARCH 16TH, 1868, 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, Coburn, Cottrell, Davis, Foster, Goddard,
Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker,
Stanton and Woodburn—14.

Absent—Councilmen Burgess, Colley, Geisel and Schmidt—4.

Mr. Brown moved that the rules be suspended and that the report
of the Special Committee on Fletcher Park be taken up.

The question being on a suspension of the rules, those who voted
in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis,
Foster, Goddard, Henschen, Jameson, Loomis, MacArthur, Seiden-
sticker and Woodburn—12.

No Councilman voting in the negative.

So the rules were suspended, and His Honor, the Mayor, from Select Committee, made the following report:

INDIANAPOLIS, March 16, 1868.

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

GENTLEMEN:—Your Committee, to whom was referred back the proposed "Fletcher Park" matter, report herewith an ordinance which, after due consideration, they recommend may be adopted.

DANIEL MACAULEY,	} Committee.
AUSTIN H. BROWN,	
AD. SEIDENSTICKER,	
J. H. WOODBURN,	

Which was received,

Also, introduced the following ordinance:

AN ORDINANCE accepting a donation of ground by the heirs of Calvin Fletcher, Sr., for the purposes of a public Park, and prescribing the conditions and regulations of its acceptance and keeping.

WHEREAS, Elijah T. Fletcher, Stoughton A. Fletcher, Jr., Ingram Fletcher, Stephen K. Fletcher, and Albert E. Fletcher are willing, upon the terms and conditions contained in the body of this ordinance, to convey by deed of gift to the City of Indianapolis, for perpetual use and enjoyment as a public park, thirty acres of land, or thereabout, commencing at the junction of the Pendleton gravel road and the Pogue Creek gravel road, in Center township, Marion county, Indiana, and lying between said gravel roads; and

WHEREAS, The Common Council of said city is willing, on behalf of said city, to accept said real estate upon said conditions; now, therefore,

SECTION 1. *Be it ordained by the Common Council of the city of Indianapolis,* That such conveyance will be received subject to the performance by said city of the following conditions, which are hereby ordained, to-wit: The said real estate, after having been so conveyed, shall be perpetually styled "Fletcher Park," in remembrance of the late Calvin Fletcher.

SEC. 2. Said park shall be forever held by said city as a place of free, public resort and recreation, subject to the exercise of such police authority over the same as the Common Council of said city shall deem expedient, to prevent immorality and disorder, and in furtherance of the object for which said real estate is dedicated.

SEC. 3. The improvement, embellishment and supervision of said park or grounds, subject only to the exercise by said city of strictly police authority over the same, shall be committed to and be forever under the charge of a Board of three Trustees, to be elected by the Common Council, whose duty it shall be to expend, according to the discretion of a majority of them, the appropriations for said grounds in this ordinance made, or which may hereafter be made, in the improvement, embellishment and preservation of said grounds. On the death, or resignation, removal from the city, or permanent disability of one or more of said Trustees the Common Council shall, without inconvenient delay, appoint a successor or successors, so that the Board of Trustees may be kept full as constantly as possible. A Trustee chosen to fill a vacancy shall serve to the end of the term of the Trustee whose vacancy he shall have been appointed to fill. The first election of Trustees shall be held on the _____ day of _____, or as soon thereafter as the business of the Council will allow, and biennially afterwards. The terms of office of the Trustees shall be as follows: One shall be chosen to serve for two years, another to serve four years, and another to serve for six years, and each one until a successor shall have been duly elected and qualified. The said Trus-

tees shall receive no compensation for their services, and they shall at the end of each year render detailed accounts of the disposition made by them of all moneys which shall have come into their hands as such.

SEC. 4. Free and uninterrupted access for persons on foot, and for light vehicles, shall always be given to the public through the eastern side of said park, to and from any drives and grounds beyond, under such rules and regulations as may be established by the Trustees.

SEC. 5. There shall be appropriated out of any moneys in the city treasury not otherwise appropriated, the sum of twenty thousand dollars (\$20,000) for the enclosure, improvement, embellishment and preservation of said park, to be paid out of said treasury on the warrant of the City Clerk and Mayor, to said Trustees, in the month of June of each year, and there is hereby appropriated for the year 1868 the sum of two thousand (2,000) dollars: *Provided*, That the annual appropriations thereafter shall be at the rate of three thousand (3,000) dollars.

SEC. 6. This ordinance shall be in force from and after its passage.

Dr. Jameson offered the following amendment:

All moneys expended under this ordinance shall be held in the custody of the City Treasurer and paid out on such form of warrants as the city shall direct.

Which was adopted.

Mr. Loomis offered the following amendment:

Provided, however, That no moneys shall be appropriated except for the sole care of said grounds during the years 1868 and 1869.

And called for the ayes and noes on its adoption.

Those who voted in the affirmative were Councilmen Cottrell, Foster, Goddard, Henschen, Loomis and MacArthur—6.

Those who voted in the negative were Councilmen Brown, Coburn, Davis, Jameson, Seidensticker, Stanton and Woodburn—7.

So the amendment was lost.

Mr. Seidensticker offered the following in lieu of section 5:

There shall be appropriated by the Common Council of the City of Indianapolis, during the next seven years, the sum of twenty thousand dollars for the enclosure, improvement, embellishment and preservation of said Park, of which amount \$3,000 are to be appropriated every year, in the month of June of each year, after the year 1868, and the sum of \$2,000 is hereby appropriated for the year 1868.

Which was adopted.

On motion by Dr. Jameson, the pending ordinance was made the special order for next Saturday evening, March 21st, 1868.

Business was then resumed in the order in which it was left off at last regular meeting, viz:

ORDINANCES ON SECOND READING.

Mr. Foster called up special ordinance No. 4—1868, entitled :

AN ORDINANCE to provide for grading and graveling Merrill street and sidewalks, between the west side of West street and the east side of Kentucky Avenue.

Which was read the second time and ordered engrossed.

On motion by Mr. Davis, special ordinance No. 1—1868, entitled :

AN ORDINANCE to provide for grading and paving with brick the sidewalk on the east side of Meridian street, between Pratt and First streets.

Was read the second time, and,

On motion by Mr. Coburn, further consideration of it indefinitely postponed.

On motion by Mr. Davis, special ordinance No. 2—1868, was taken up, read the second time, and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Brown called up special appropriation ordinance No. 1—1868, entitled :

AN ORDINANCE appropriating money for the repairs of streets in the different Wards of the city, ending April 1st, 1869.

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, Foster, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—12.

Councilman Brown voting in the negative.

So the ordinance passed.

Mr. Foster called up special ordinance No. 4—1868, entitled :

AN ORDINANCE to provide for grading and graveling Merrill street and sidewalks, between the west side of West street and the east side of 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, Cottrell, Davis, Fos-

ter, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Goddard called up special appropriation ordinance No. 12—1868, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims against the city of Indianapolis.

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, Davis, Goddard, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—9.

Those who voted in the negative were Councilmen Brown, Cottrell, Foster and Henschen—4.

So the ordinance passed.

REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motion :

That the Civil Engineer report to this Council the length of line of railroad track of each of the railroads coming into the city, together with that of the Union track; also, the length of side tracks and switches of each road for assessment.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the Street Commissioner be directed to cause a wooden culvert with stone foundation to be constructed on the south side of South street, at the crossing of Meridian street, in place of the one now rotting and caving in, and that no part of the cost of such work shall be chargeable to the appropriation for repairing streets and sidewalks.

Which was referred to the Board of Public Improvements, with instructions to have the work done if necessary.

Mr. Coburn offered the following motion :

That private parties taking the boxes of the Fire Alarm Telegraph before its erection, that the city will make and pay for all the necessary connections with the wires, provided that in all cases said boxes are to be used for the benefit of the neighborhood.

Which was adopted.

Mr. Coburn, also, offered the following motion :

That the Street Commissioner be instructed to put a flag stone crossing on Massachusetts Avenue at Delaware street.

Which was referred to the Board of Public Improvements.

Mr. Coburn, also, offered the following motion :

That Hermon March be allowed to fill up the sidewalk to grade in front of his property on Meridian street, between St. Joseph street and Corporation line, the same to be done to the satisfaction of the Civil Engineer, and to be done in thirty days.

Which was adopted.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, March 13, 1868.

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

City of Indianapolis,

To Thomas Powers,

Dr.

February 27th, 1868. To damages sustained on the night of said day, without his fault, and while using due care, in passing over the South East street bridge, between East Georgia and East Maryland streets, in said city, caused by falling from the bridge on account of the bridge being out of repair for want of proper railing, - - \$300 00

The undersigned hereby states that said claim is just and true, and that he was actually damaged as set forth therein. He therefore respectfully asks that the City Council will examine his claim and award him the damages claimed.

THOMAS POWERS.

Which was not granted.

Mr. Cottrell offered the following motion :

That the Street Commissioner be instructed to have the water from the gutter on the west side of East street, south of South street, turned into Virginia river.

Which was referred to the Board of Public Improvements.

Mr. Cottrell offered the following motion :

That a committee of five members of the Common Council and the Civil Engineer be instructed to furnish an estimate of the cost, and the route for a brick sewer, to be not less than four feet internal diameter, said sewer to commence at or near Lake McCarty.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Cottrell, Loomis, Henschen, Schmidt and Davis.

Mr. Davis presented the following petition :

INDIANAPOLIS, March 16, 1868.

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

The undersigned respectfully petitions your honorable body for permission to pave the sidewalk opposite his lot on Illinois street, under the direction of the City Engineer.

DAVID STEVENSON.

Which was granted.

Mr. Davis presented the following petition :

INDIANAPOLIS, March 16, 1868.

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

Will you be kind enough to grant me the privilege of having your City Engineer to set the stakes and fix the grade at the corner of Vermont and Meridian streets, so as to enable me to grade and pave the same.

Yours respectfully,

ISAIAH MANSUR.

Which was granted.

Mr. Foster offered the following motion :

That the City Attorney be instructed to report to this Council what steps are necessary for the city to take to enable the contractor to complete his contract on South Tennessee street, between Garden and McCarty streets.

Which was adopted.

Mr. Foster, also, offered the following motion :

That the Street Commissioner be, and is hereby, directed to properly repair the south-east side of Kentucky Avenue near the river.

Which was adopted.

Mr. Foster presented the following petition :

INDIANAPOLIS, March 4, 1868.

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

Your petitioners respectfully ask your honorable body to pass an ordinance to grade and gravel Merrill street and sidewalks, between Missouri and West streets. Your petitioners would further state that the above portion of Merrill street is much traveled, and part of it is so low as to become very muddy in wet weather.

Thomas Carr,

John Beall,

David Williams,

Mrs. Williams,

John Williams.

Which was referred to the Board of Public Improvements.

Mr. Foster introduced special ordinance No. 7—1868, entitled :

AN ORDINANCE to provide for the grading and graveling Merrill street and sidewalks, between the east side of West street and the west side of Missouri street.

Which was referred to the Board of Public Improvements.

Mr. Goddard presented the following petition :

INDIANAPOLIS, March 16, 1868.

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

GENTLEMEN:—The undersigned respectfully asks your honorable body to order the refunding to him of a certain sum, which he paid on personal property assessed in the name of Emerine Mothershead, but which was, at the time of the assessment, the property of M. Louisa Wilson.

Your petitioner does not ask the refunding of the tax on account of any irregularity in the assessment, but because the owner of the property assessed has not been a resident of Indiana since the 1st day of January, 1867; of this fact he has conclusive evidence, and therefore believes that the property should not have been taxed in Indiana.

L. B. WILSON.

Which was referred to the Finance Committee.

Mr. Goddard offered the following motion :

That the Street Commissioner be authorized to pave the gutters up to the curb stone in Kentucky Avenue, between Washington and Maryland streets, on the south side.

Which was referred to the Board of Public Improvements.

Mr. Henschen offered the following motion :

That the City Attorney be directed to institute an action against the Indianapolis and Cincinnati Railroad Company, to compel the Company to perform their contract respecting Louisiana street.

Which was adopted.

Dr. Jameson offered the following motion :

That a committee of three be appointed to inquire whether and on what terms a contract can be made with the Gas Company for furnishing the city lamps at a given rate per post per annum, and if so, report the same to the Council.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Jameson, Seidensticker and Woodburn.

Dr. Jameson presented the following petition :

INDIANAPOLIS, March 16, 1868.

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

The petition of Thomas A. Hendricks respectfully represents that he now, and for the last three years has resided outside of the corporate limits of the City of Indianapolis; that on the 1st day of January, 1867, he was not the owner of any personal property within said city for which he was legally liable to pay taxes; that on said day he was the owner of stock in the Indianapolis Insurance Company to the value of \$1,672.50, and no more; yet he says that he is informed, and believes, that he was on said 1st day of January, 1867, assessed with stock in said Company to the amount of \$3,000, all of which he claims was contrary to the laws of said State; that on the — day of the present month he offered to pay into the treasury of said city all

of his taxes except the sum of \$34.50 wrongfully assessed as aforesaid; that the City Treasurer refused to receive any part of the taxes assessed against him unless he would also pay said \$34.50, that he then paid said \$34.50 under protest. Wherefore he prays your honorable Council to make an order refunding to him said \$34.50 so illegally assessed against him as aforesaid.

THOMAS A. HENDRICKS,
Per W. HENDERSON.

Which was referred to the City Attorney.

Dr. Jameson introduced special ordinance No. 8—1868, entitled :

AN ORDINANCE to provide for grading and graveling Jackson street and sidewalks, between St. Clair street and Corporation line.

Which was read the first time by title.

Mr. Loomis offered the following motion :

That the matter of alleged error on Stevens street, in regard to the proper boundaries thereof as affecting the property holders on said street, be referred to the City Attorney and City Commissioners, and Civil Engineer for adjustment, the same to be reported to Council.

And that the Marshal is hereby directed to see that the present street is kept open to such time as final action may be had by Council or the Courts.

Which was adopted.

Mr. Loomis presented the following petition :

INDIANAPOLIS, March 16, 1868.

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

We, the undersigned, respectfully petition your honorable body to open Dillon (sometimes called Donaldson) street between Harrison and Bates sts., in order that the same may not be obstructed by cars.

Wm. B. Bogardus,	H. Behrent,
Robert Davis,	F. Fells,
Fleming Davis,	And 10 others.

Which was referred to the Board of Public Improvements.

Mr. MacArthur offered the following motion :

That John Lintner be allowed to sink a well and put in a pump in front of his property on Indiana Avenue, by complying with the usual conditions relative thereto.

Which was referred to the Board of Public Improvements.

Mr. MacArthur, also, offered the following motion :

That the Street Commissioner be authorized to commence cleaning the bouldered streets of the city immediately, as this is the proper season.

Which was adopted.

Mr. Seidensticker introduced general ordinance No. 125, entitled:
AN ORDINANCE repealing an ordinance providing for the appointment of an additional Lieutenant in the City Police, approved August 19th, 1867.

Which was read the first time, and, by unanimous consent, the rules were suspended and the ordinance 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 Brown, Coburn, Cottrell, Davis, Foster, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker presented the following petition:

INDIANAPOLIS, March 16, 1868.

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

The undersigned respectfully represent that they are the owners of a large lumber business, carried on by them between Market and Washington sts. east of Pogue's Run, on out-lots Nos. 66 and 67, in this city; that for the proper carrying on of said business it is necessary to be in connection with the Railroad tracks, and they respectfully ask permission of your honorable body to lay a side track across Market street connecting our yard with the Bellefontaine track about twenty feet north of Market street.

BUNTE & DIXON.

Which was received.

Mr. Seidensticker offered the following resolution:

Resolved, That the petition of Messrs. Bunte & Dixon, for permission to lay a side track from the Indianapolis, Pittsburg and Cleveland Railroad track, across Market street, into their lumber yard be granted, provided said work be done under the supervision of and according to the instructions of the Civil Engineer, and that they keep the said track and one foot outside of each rail thereof properly planked, and comply with the grade of said street.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Goddard, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—12.

No Councilman voting in the negative.

So the resolution was 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, March 16, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom was referred the motion instructing the Street Commissioner to place posts on the sidewalk of Missouri street (south side), have examined the same, consider it necessary, and have ordered the same to be done.

Also, that the motion in reference to the alley running north and south, between Meridian and Illinois streets, it is impossible for us to recommend anything on the subject, as the plat-books of the city show that square 87 is not recorded. Therefore we recommend that the whole matter be referred to the City Attorney and City Civil Engineer.

Respectfully submitted,

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

Which was concurred in.

REPORTS FROM CITY OFFICERS.

The City Gas Inspector made the following report :

INDIANAPOLIS, March 16, 1868.

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

GENTLEMEN:—At the last regular meeting of your honorable body, held on Monday evening the 9th instant, I was, by motion, “authorized to correspond with the American Meter Company, for the purpose of procuring instruments and machines necessary for the testing of gas, and otherwise provide for the office of Gas Inspector.”

Friday, I am in receipt of a letter from T. C. Hopper, Superintendent of the American Meter Company, dated Philadelphia, Penn., March 14th, 1867, in which he writes:

“Yours of the 10th received. We shall be glad to supply you with the apparatus you need, and below beg to hand prices:

“Photometric apparatus, complete (less pipe and table), comprising clock, governor, experimental meter, American pressure gauge, scales, slide and desk, - - - - -	\$250 00
“Five-foot Prover, - - - - -	125 00
“Ten-foot Prover	\$150.00.
“Five-foot Pressure Register and Cords (12 inch range), - - - - -	160 00

“We can supply the whole in from two to three weeks from date of order.”

From the above-mentioned apparatus I would positively need the Photometer and its accessories, - - - - -	\$250 00
And the five-foot Meter Prover, - - - - -	125 00

Which would cost, at Philadelphia, - - - - - \$375 00

Adding to the above a Pressure Register (an elegant piece of apparatus, but of questionable expediency, in my mind, at present), 160 00

And the total cost of apparatus for office would be - - - \$535 00

Amount brought forward,	-	-	-	-	-	\$535 00
To this should be added three Pressure Guages, to be set at different points, in city, say	-	-	-	-	-	65 00
Making outside cost of apparatus,	-	-	-	-	-	\$600 00
Lumber and labor on Photometer Room, erecting Photometer, gas pipe, fittings, &c., would cost about	-	-	-	-	-	200 00
Total estimated expenditure would therefore be	-	-	-	-	-	\$800 00

At the same meeting of the Council I was, by motion, granted permission to visit Cincinnati, Columbus, Cleveland, and other cities, if by me deemed advisable, for the purpose of preparing myself for the discharge of the duties required by the ordinance creating the office of City Gas Inspector.

In accordance with this action, on Friday of last week, I went to Cincinnati, Ohio, not so much for the purpose of commencing the needed course of study, as for ascertaining from experts a list of the most approved apparatus from which to obtain the desired results.

Mr. Victor Zeis, Deputy State Gas Inspector for Ohio, resident at Cincinnati, kindly exhibited to me all the various apparatus used in that city, not only in his own office, but also at the Gas Offices, and by Meter Dealers, and from the information and enlightenment gained through his courtesy, together with the demonstrations of experts with whom Mr. Zeis made me acquainted, I would now request that I be not restricted to the apparatus manufactured by the American Meter Company, in making the selections for my office.

Mr. Zeis also suggested that I could sooner enter upon a discharge of the larger portion of the labors assigned me, by procuring the room needed, and at once ordering the apparatus contemplated to be placed therein. In one week's time I could thus have my Meter Prover and Test Meter, and could then proceed to inspect Meters and test Burners with brief delay. I would, therefore, ask you to empower me to select a proper room for my office, and to have it placed in order for labor expected of me.

As all the apparatus heretofore named should be ordered at the same time, I would also respectfully ask you to immediately provide, in the usual manner for an appropriation of \$800.00, the same to be expended for apparatus and for placing the same in proper condition for use.

Respectfully submitted,

GEO. H. FLEMING, *City Gas Inspector.*

Which was referred to the Committee on Finance.

On motion, the Council adjourned until Saturday evening March 21st, 1868.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*