

Common Council Chamber  
August 25 1854

The Council met at 8 o'clock P M. Present all the members except Mr Gowan and the President

On motion Mr Karns was called to the chair and took his seat as President pro tem

The following report from the City Attorney was on motion of Mr Colley ordered to be spread on the minutes

To the Common Council of the City of Indianapolis

On the 24th inst I received a communication from Mr Henry Stumph, Sexton of the public grave yard, relative to the difficulty between him and Mr Weaver, which matter was referred to me by the Council at its last meeting, in which he says - The true state of the present difficulty between Mr Weaver and myself is this, Mr Weaver claims the right to employ whom he pleases to dig graves and has actually employed others - He has broken open the gates of the yard, and designated the places of interment. Mr Weaver or his partner Mr Williams have appropriated to their own use the plank and post of the partition fence in the Centre grave yard, and made boxes for the dead out of the plank, and that fence is now open. They have buried four bodies in three of the alleys of the old grave yard, and left a grave open about two feet deep, in one of the alleys of said yard - all of which is a serious interruption to the uniformity and convenience of said yard. They have buried eleven bodies without consultation with me, and without paying me as Sexton of the City, for said graves. I have received no written statement from Mr Weaver, or Williams; but in a conversation with Mr Williams he denied most of the statements of Mr Stumph, and says, that on one occasion, they opened the gate of the grave yard by drawing the steeple when Mr. Stumph was away and no one left in charge. They had either to do this, lift the corpse over the fence, or to delay the burial for an indefinite time in order to hunt up Mr Stumph. That they employed a grave digger because Mr Stumph was often absent when needed - drank a great part of the time - and because of his refusal to dig graves unless they paid him in advance, which they refused to do wishing him to wait untill they received the money from their employers, and to lose it in case it was not so obtained, as they did the price of the coffin and attendance : - That it is almost always the case that the friends of the deceased select the place where the grave is to be dug - that some time last summer he, Mr Williams, took five or six plank from a pile between Union Cemetery and the grave yard laid out by Mr Peck to make a box of, the one prepared being too small, and they being in a hurry. He admitted that they had hired other persons to dig graves to a greater number than eleven, without consulting Mr Stumph or paying him therefor. The other charges he denied. If Mr Stumphs charges are true and there is no palliating circumstances; Mr Weaver and Williams have done



wrong and are answerable therefor, and if their charges against Mr Stumph are well grounded, he deserves to be removed without delay and some "fit" person, to use the language of the Ordinance put in his place. It is no easy matter to decide a difficulty where the statements are contradictory - but if Mr Stumph neglects his duty and is inefficient from any cause whatever the dead are not, for that reason merely because he is Sexton to remain unburied, but from the necessity of the case alone any person, undertaker or friends of the deceased would have the right to employ others, and to enter and dig graves, and to bury the dead therein. The public burying ground was granted, by an act of the Legislature of this State to the town of Indianapolis, for a public burial place for said town, at an early day. It belongs to the City. The Common Council of the City have the exclusive power and control over it for that purpose. They have power to appoint a Sexton, and to establish such rules and regulations as are necessary to preserve it sacred, and to secure uniformity and convenience. The Sexton so elected or appointed has a general Superintendance over the public burying ground. It is his duty to keep it in repair, and to be present in person or by deputy to designate the place of interment with a view to regularity. But this would not prevent other persons from selecting a place for interment if it has not been previously chosen, or occupied, and it does not introduce irregularity.

(Ordinance of April 20 1852)

The Sexton has the right to dig the graves. But if he does not attend to his duty - leaves the yard, and from any cause is unable, or does not attend to the duties of the office, burial is not to be denied the dead. If he locks the gate or goes off, I can see no reason why persons should be bound to stop a funeral until he could be found to open the gate. If he refuses, or is unable to perform any of the duties of Sexton, the public cannot be compelled to wait until he gets in a better mood, or recovers from his inability. But if he is a fit person and discharges the duties of his office properly no one has the right to exercise any authority or control in said burying ground so far as his province extends. As before said he has the right to dig graves, to designate the place of interment with a view to Simply. As to the place if it does not interfere with the alleys, or regulations established to secure uniformity and convenience, the Sexton has no right to say anything. And in all things he should act reasonably - not arbitrarily. He has the general care and Superintendance of said burying ground. It is his duty to keep the same in good order, and any person who enters said burying ground and violates his rights, or acts contrary to the established regulations is a wrong doer

Respectfully Submitted

N B Taylor

City Atty



The following petition was presented

The undersigned property holders on N York St between Illinois & Meridian Strs petition the City Council of Indianapolis to finish grading and gravelling of N York St & Sidewalks between Illinois & Meridian Strs, to give order to the Civil Engineer to set stakes & advertise for bids. The one & the other we respectfully request to cause to be done so soon as possible at the expense of the property holders

$\frac{3}{4}$ of	Very respectfully
the one hundred and ninety	Abm L Voorhees
five feet	C G M'Lean
property holders 195'	G Sherman
<u>195'</u>	
485	

Mr Maguire moved that the prayer of the petition be granted and the Civil Engineer be instructed to set stakes and advertise for proposals to do said work

Which motion prevailed

Mr Keeley moved  
450 That the City Clerk be authorized to pay \$12.50 for one quarters rent of his office

Which motion prevailed

The following accounts were allowed

447 C C Campbell	for Sheriffs costs in suits at court by the City	\$ 15.08
448 H Vandergrifts	for boarding prisoners in the Jail	2.80
449 F Clark	for Labor	6.25
446 Levi Comegys	" hanging bells at Marion & Releif Engine Houses	85.00
		<u>\$109.13</u>

The following report was presented

To the Common Council of the City of Indianapolis  
The Select Committe to whom was referred the Selection and purchase of a site for a City Hospital - Respectfully report, that they have negotiated with James Turner Esqr for a tract of land containing about five acres, laying South of the City one mile and a quarter from Washington Street; for the Sum of two thousand dollars. It is eligibly Situated being the most elevated land in that vicinity - There is an excellent well of water on the lot; and has every appearance of being a healthy location - We would earnestly recommend to the Council the approval of the purchase it being the best and cheapest that can be obtained that is suitable for the purpose intended - Mr Turner will



give the City a Warranty deed for the Same immediately; and wait the coming in of the revenue of the present year for his pay - Therefore

Resolved That an order be made to James Turner upon the Treasury for two thousand dollars, so soon as the deed is consumated and approved by the City Attorney  
L Dunlap  
Henry H Nelson  
John L Avery

Mr Colley moved That the report be received and spread on the minutes

Which motion prevailed, and the resolution therein contained was adopted by the following vote

Those who voted in the Affirmative are Messrs Avery, Boaz, Colley, Dunlap, Jones, Karns Keeley, Maguire, Nelson, Seibert & Trucksess 11

In the Negative Messrs Graydon & Pitts 2

Mr Trucksess moved That a committee of three be appointed to investigate the difficulty existing between the Sexton of the grave yard and Mr Weaver

Which motion prevailed.

Messrs Trucksess, Colley and Pitts were appointed said Committee

Mr Colley moved That the Street Commissioner be instructed, to repair immediately the Culvert at the crossing of New Jersey and Washington Streets, under the direction of the Councilmen of the first and seventh wards

Which motion prevailed

On motion the Council adjourned

Attest

James N Sweetser  
City Clerk

James McCready Mayor