

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, JANUARY 15TH, 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, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Thompson—17.

Absent—Councilman Staub—1.

The proceedings of the regular session, held January 8th, 1866, were read and approved.

His Honor, the Mayor, announced as the special order of business the consideration of the resolution appointing Austin H. Brown, Esq., to the office of City Auditor.

Dr. Jameson asked the privilege of withdrawing the resolution.

Pending which, with the unanimous consent of the Council, Mr. Brown said:

MR. PRESIDENT:—Soon after the adoption of the new charter, I was approached by some fellow-members of the Common Council and solicited to allow the use of my name in connection with the office of City Auditor.

These friends did not place this proposition on the ground of personal friendship, but it was stated that the office was one requiring some special experience in that line, and that having had such experience, it was thought I was the best person to put the office in operation. To these appeals I responded that they might do as they thought best, but I never said to any one that I would accept the office. I now rise to say, that under no circumstances could I consent to accept the office, in view of the opposition that has been made to the matter. While I desire to return my thanks to such of my friends as have voted in favor of Dr. Jameson's resolution, I desire to say that I have no ill-feeling against those who have, in the exercise of their rights as Councilmen, thought proper to oppose it. Much has been said outside of this Council against me in connection with this office, and all I have to say is, that I have never sought this office, and, indeed, never sought office in my life, and never expect to.

After which, on motion of Mr. Seidensticker, consent to the withdrawal of the resolution was granted.

Councilman Staub entered and took his seat, making a full Council.

Mr. Loomis then moved that the regular order of business be suspended, in order that he might offer a motion on the subject.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—17.

Councilman Thompson voting in the negative—1.

So the rules were suspended.

Mr. Loomis then offered the following motion :

That this Council now proceed to elect a City Auditor, for the City of Indianapolis, to serve as such for and during the term ending on the second Tuesday in May, A. D., 1867, and until his successor shall be elected and qualified.

Which motion was adopted.

His Honor, the Mayor, appointed Councilmen Coburn and Glazier as tellers.

Councilman MacArthur nominated John G. Waters for the office of City Auditor.

The roll being called and the vote taken, it was ascertained that—
 John G. Waters received 13 votes.
 Blank received 4 votes.
 General McGinnis received..... 1 vote.

John G. Waters, Esq., having received a majority of all the votes cast, and being a majority of all the members of the Council, was declared duly elected to the office of City Auditor, for the City of Indianapolis, for the term ending on the second Tuesday in May, 1867.

On motion, the regular order of business was resumed.

By Mr. Brown—Petition :

INDIANAPOLIS, January 15, 1866.

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

The undersigned, citizens of Indianapolis, would respectfully submit to the consideration of your honorable body the following, to-wit :

Whereas for several times during the past year, and especially very recently, our city has been visited by sundry deplorable accidents from the collision of individuals, carriages, teams, and street cars, with railroad engines and trains passing through our streets: and whereas it is the duty of all good citizens to do all in their power to prevent and guard against the return of such horrible scenes and loss of life: Now, therefore, do we, the undersigned citizens of Indianapolis, most respectfully pray of your honorable body, that you may, at an early day, cause to be placed at the different crossing points of Railroads with streets one or more signal-men to give warning in time of the arrival or departure of Railroad engines or trains, in order to avoid similar disasters for the future.

Your petitioners are confident that the citizens will generally hail with joy any improvement tending towards this humane purpose. Hoping, therefore, that our suggestion will meet with your cordial approval, we sign,

Very respectfully,

Philip Dohn,
Henry Hahn,
B. J. Vogt,
Louis Klusmann,
Gottlieb Wachtstetter,
George Koeniger,
Christian Schmid,
Gerhard Ittenbach,
T. S. Peck,
E. B. Alvord,
J. C. Alvord,
Benj. Applegate,
Osgood, Smith & Co.,
V. Rothrock,
W. B. Pratt,
Louis Rusbuttels,

H. Lieber,
John Wachtstetter,
John B. Stumph,
Jacob Voegtle,
J. Metzger,
Æg. Naltner,
Wm. Ruschhaupt,
Wm. Bucksot,
Charles Brinkman,
F. J. Herrmann,
Chas. A. Moffat,
T. W. Newland,
Jas. C. Ferguson,
Peter Lieber,
J. B. Root,
Fred. Ruschhaupt,

Geo. F. Meyer,
J. S. Hildebrand,
Henry Schnull,
V. Butsch,
W. Engelking,
James Dickson,
H. Parrott,
J. B. Nell,
J. H. Vajen,
Charles Koehne,
Thomas Cottrell,
O. Zimmermann,
B. R. McCord,
Wm. M. Wheatly,
Jas. N. Russell,
A. W. Russell.

Which, on motion, was laid upon the table for the present.

By Dr. Jameson—Petition :

INDIANAPOLIS, January 15, 1866.

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

We, your petitioners, would respectfully represent that the condition of the sidewalk on the north-west side of Massachusetts Avenue, between Chatham street and the first alley west, is such that persons can not pass without wading in water a large portion of the time, it being too low. A few loads of gravel would make it passable, which we ask your honorable body to supply.

Joseph Ince,
David Springer,
John E. Kingsbury.

D. G. Cale,
Robert A. Taylor, Sr.

Which, on motion, was referred to the Board of Public Improvements.

By Mr. Seidensticker—Petition :

INDIANAPOLIS, January 15, 1866.

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

The undersigned, property holders in the square between Liberty and Noble, and Washington and Market streets, in the city of Indianapolis, respectfully petition that the ordinance on fire limits be changed so as to exclude that part of said square lying north of a line 195 feet north of Washington street. We would show that in the three squares between Liberty and Alabama streets, the line is 195 feet north of Washington street, and that, in consequence of the extension of the fire limits in our square to Market street, numerous errors and vexatious inconveniences to property holders and builders have occurred; wherefore we respectfully ask for the above mentioned change in said ordinance.

E. C. Brundage,
Valentine Schaaf,
Charles Kuetemeir.

Daniel Thayer,
A. R. Hyde.

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

By Dr. Thompson—Petition :

INDIANAPOLIS, January 15, 1866.

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

GENTLEMEN:—The undersigned petition your honorable body to vacate the alley running east and west, through out-lot number one hundred and seventy-one in said city. The undersigned propose to dedicate, for the purposes of an alley, fifteen feet immediately adjoining the alley proposed to be vacated, all of which appears by the accompanying plat.

J. J. SENOUR,
ROBERT KING.

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

By Mr. Coburn—Petition :

INDIANAPOLIS, January 1, 1866

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

City of Indianapolis to Rubush & Hanway, Dr. to one hundred and twenty-four (124) dollars, being a balance due them from J. Kemper, ex-Street Commissioner.

This is the balance due us on a bill of lumber sold to Kemper for the use of the city. He was to have paid us cash, but did not. He left the matter with the Council, and they paid us off in city orders. Our bill was \$412 00. When we found that you had paid us off in orders, we refused to take our pay in that way, afterwards saw Mr. Coburn, of the Finance Committee. He directed that we lift the orders and sell them to the best advantage, and make a statement to the Council, and they would present the matter, and have enough orders issued, so that we could get our full pay. This we did in good faith. We sold the orders for 70 cents, or \$412 00 for \$288 00. Balance due us, \$124 00. You must give us enough so that we can get our pay. You know what orders are worth.

Gentlemen of the Finance Committee and Council, we entrust this matter to you, hoping you will be just. Yours respectfully,

RUBUSH & HANWAY.

Which, on motion, was referred to the Finance Committee.

By Dr. Jameson—Communication :

OFFICE AND SALESROOM OF ASHER & Co., }
Indianapolis, Ind., January 10, 1866 }

Dr. Jameson, President Finance Committee :

We agree to furnish the City Council with a plat book of the city, each square and out-lot to occupy a page two feet square, with the opposite page to contain the names of the owners, and to be ruled as per directions of the City Clerk, so that a record can be kept of the transfers, also the value of the lots and the value of improvements; the book to be bound in a substantial manner and delivered to the city for the sum of \$600 (six hundred dollars), in city orders, at our earliest convenience.

We further agree that, in case we should have said plat book engraved or lithographed, we will furnish the city two extra copies for \$100 (one hundred dollars) each, to be the same as delivered to subscribers in all respects, the city agreeing to accept the above propositions in full.

ASHER & ADAMS.

Mr. Kappes moved—

That the work for making a Plat Book be advertised for competition.

Which motion was adopted.

Mr. Brown moved—

That the vote concurring in the report of the City Clerk recommending that precepts be issued for the collection of street assessments of Peter J. Rheinhardt and John G. Kistner, be, and the same is hereby, reconsidered.

Which motion was adopted, and the Board of Public Improvements directed to examine and report on same to Council.

Mr. Seidensticker moved—

That His Honor, Mayor Caven, Drs. Jameson and Thompson, be appointed as a Special Committee to confer with the Board of Health and to examine "An ordinance protecting the public against dangerous diseases," and report amendments thereto, if they deem it expedient.

Which motion prevailed.

Mr. Seidensticker moved—

That the City Attorney be requested to report to this Council whether the city can or can not enforce fines and penalties against Railroads and other corporations.

Which motion prevailed.

Mr. Brown presented an ordinance on the subject of flagmen at the crossings of railroad tracks with streets, and moved that the same be referred to the City Attorney.

Which motion prevailed.

Mr. Glazier moved—

That the Street Commissioner be ordered to examine the culvert at the junction of Virginia Avenue and Alabama street, as it will not take off the water.

Which motion was adopted.

Mr. Brown moved—

That the Street Commissioner be instructed to cover the bridge over Pogue's Run, on Illinois street, the full width thereof.

Which motion prevailed.

Dr. Jameson moved—

That the rules be suspended and the gas ordinance be now taken up.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—17. Noes, none.

So the rules were suspended.

From the Special Committee on Gas—Report:

INDIANAPOLIS, Jan. 15, 1866.

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

GENTLEMEN:—The Special Committee, to whom was referred the gas ordinance, with the pending amendments, for revision, have completed the work, and now report an ordinance complete, except the blank to be filled with the length of time the privilege is given, and also the blank for the amount of present capital stock unfilled, and would recommend its passage as soon as the appraisalment is made in conformity with the resolution of this Council on that subject.

J. CAVEN,
J. HENRY KAPPES, } *Committee.*
AUSTIN H. BROWN,

His Honor, the Mayor, Chairman of Special Committee on Gas, then reported the following entitled ordinance as a substitute for general ordinance No. 24, to-wit:

AN ORDINANCE investing the Indianapolis Gas Light and Coke Company with the privilege of furnishing gas to the city and citizens of Indianapolis, upon certain conditions therein named,

Which was read the first time, and, on motion, was ordered to be printed, and made the special order of business for meeting of Council to be held January 22d, 1866.

On motion, the regular order of business was resumed.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, January 13, 1866. }

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

GENTLEMEN:—Application has been made to the Board for a bridge over Pogue's Run, at the east end of Ohio street. The property on the east side of the Run has been laid out in lots, and they are desirous of having a bridge to get to and from their property. We have made an estimate of a bridge, and it will cost about \$575.00.

HENRY COBURN,
AD. SEIDENSTICKER, } Board.
W. CLINTON THOMPSON, }

In relation to which, Mr. Seidensticker moved—

That the Civil Engineer be directed to advertise for proposals for the building of a bridge on Ohio street over Pogue's Run.

Which motion was adopted.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, January 13, 1866. }

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

GENTLEMEN:—We find that the bridge over Pogue's Run, on Virginia Avenue, is about to give way and will want bracing up. We would recommend that the Street Commissioner repair the bridge. It will cost less than one hundred dollars.

HENRY COBURN,
AD. SEIDENSTICKER, } Board.
W. CLINTON THOMPSON, }

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, January 13, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the bids for graveling Fletcher Avenue was referred, find that Huffer & Carr are the lowest bidders. Their bid is \$1 38 per cubic yard.

We also find that Bennett Brooks is the lowest bidder on the bridge over the Canal at St. Clair street. His bid is \$645 50.

We recommend that the contracts be awarded them.

Respectfully submitted,

HENRY COBURN,
AD. SEIDENSTICKER, } Board.
W. CLINTON THOMPSON, }

Which, on motion, was concurred in, and the contracts awarded, as recommended.

By Mr. Coburn, from the Committee on Accounts and Claims.

INDIANAPOLIS, January. 15, 1866.

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

GENTLEMEN:—The Committee on Accounts and Claims report the following ordinance allowing accounts for the month ending on the 15th day of January, 1866, and respectfully recommend the passage of the same.

HENRY COBURN,
J. HENRY KAPPES, } *Committee.*

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

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the following named persons be allowed the amounts set opposite their respective names from any moneys in the City Treasury not otherwise appropriated as follows, to-wit:

Cornelius Collins, street improvement.....	\$76 65
Michael Shea, street improvement	494 86
David W. Snyder, street improvement	571 04
Fred. M. Heron, town clock.....	25 00
Stephen Smith, specific.....	21 00
Andrew Wallace, street repairs	8 25
W. J. H. Robinson, jail expenses.....	1,246 65
G. W. Allred, taxes refunded	316 03
Chas. Balls, taxes refunded.....	4 58
Moses McClain, removing nuisances.....	50 00
Alexander Wood, assisting Civil Engineer.....	60 00
Wm. H. Craft, taxes refunded.....	1 52
D. Root & Co., street improvement.....	35 76
Geo. F. Meyer, taxes refunded.....	2 12
Chas. S. Rouney, cisterns	84 50
Huffer & Sellers, fire department.....	11 45
Isgrigg & Bracken, fire department.....	13 02
J. & W. C. Bark, fire department.....	180 00
Gas Light & Coke Company, repairing street lamps.....	338 00
Gas Light & Coke Company, lighting and extinguishing street lamps.....	808 20
Gas Light & Coke Company, internal revenue on gas.....	401 70
Gas Light & Coke Company, gas in city offices and engine houses.....	140 40
Gas Light & Coke Company, gas in city lamps.....	2,993 33
Andrew Wallace, street improvement.....	14 58
Total.....	<u>\$7,898 64</u>

RECAPITULATION.

Gas in city lamps—as consumed in city lamps.....	\$2,993 33
Jail expenses—boarding city prisoners.....	1,246 65
Street improvements—City's portion sundry estimates.....	1,192 89
Lighting and extinguishing street lamps.....	808 20
Internal revenue on gas.....	401 70
Repairing street lamps.....	338 00
Taxes refunded.....	324 25
Fire department—sundries by Chief Engineer.....	204 47
Gas in city offices and engine houses.....	140 40
Cisterns—repairs of.....	84 50
Assisting Civil Engineer.....	60 00
Removing nuisances.....	50 00
Town clock—repairing of.....	25 00
Specific.....	21 00
Street repairs.....	8 25
Total	<u>\$7,898 64</u>

SEC. 2. The City Clerk is hereby authorized and directed to issue warrants upon the City Treasury to the persons named, and for the amounts as set forth specifically in section first of this ordinance.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Ordained and established this 15th day of January, 1866.

JOHN CAVEN, *Mayor.*

ATTEST:

C. S. BUTTERFIELD, *City Clerk.*

The ordinance was read the first and second times.

Mr. Coburn then moved that the rules be suspended and the ordinance 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, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—17. Noes, none.

So the rules were suspended and the ordinance 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, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—17. Noes, none.

So the ordinance passed.

By Mr. Seidensticker, from the Committee on Revision of Ordinances:

INDIANAPOLIS, January 15, 1866.

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

The Committee on Revision of Ordinances herewith report another amendment of the Hack Ordinance, in obedience to the instructions of Council. And your Committee respectfully suggest that after the disposal of the present ordinance, they be excused from any further consideration of the Hack Ordinance for the next six months at least.

A. SEIDENSTICKER,
S. A. COLLEY,
P. H. JAMESON,

} *Committee.*

Also, general ordinance No. 30, entitled:

AN ORDINANCE to repeal section 1st of an ordinance to establish public stands for licensed public hacks, carriages, express wagons, etc., ordained November 6, 1865, and substituting the following in place thereof,

Which was read the first time and laid over.

From the Civil Engineer—Report :

INDIANAPOLIS, January, 15 1866.

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

The Civil Engineer would respectfully report that C. E. Whitsit, the contractor for grading and paving the east side of Illinois streets, between Market and North streets, has completed the same according to contract, excepting 120 feet, fronting lots 1 and 2 in square 46, and a partial estimate is herewith submitted for your approval, in accordance with instructions from the Common Council.

JAMES WOOD, *Civil Engineer.*

Resolved, That the partial estimate allowed C. E. Whitsit for grading and paving the sidewalk on the east side of Illinois street, between Market and North 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 passage of the resolution, those who voted in the affirmative were Councilmen Allen, Boaz, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Staub and Thompson—13.

Those who voted in the negative were Councilmen Brown, Coburn, Colley and Seidensticker—4.

So the resolution passed.

From the City Assessor—Report :

INDIANAPOLIS, January 15, 1866.

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

Will please confirm the appointment of S. P. Strong and H. P. Randale as Deputy City Assessors.

WM HADLEY, *City Assessor.*

Which, on motion, was referred to the Finance Committee.

From His Honor, the Mayor—Report :

MAYOR'S OFFICE,
Indianapolis, January 15, 1866. }

To the Common Council of the City of Indianapolis :

GENTLEMEN:—The amount of fines collected for the month of December, 1865, was \$1,043.93, which I have paid over to the City Treasurer, as per duplicate receipt hereto attached. Respectfully submitted,

JOHN CAVEN, *Mayor.*

Which, on motion, was accepted and approved.

UNFINISHED BUSINESS.

Mr. Brown moved—

That the City Clerk be instructed to prepare certificates of appointment for each of the Commissioners to assess damages in cases of opening of streets and alleys and straightening of creeks, &c., and that when the same are signed by the Mayor and City Clerk they shall be considered authority for such Commissioners to take the oath of office.

Which motion was adopted.

On motion of Mr. Colley, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Boaz, Brown, Coburn, Colley, Emerson, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—17.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.