

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, JULY 19TH, 1869, 7½ 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, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms,
Weaver, Whitsit, Wiles and Woodburn—17.

Absent—Councilmen Locke—1.

The proceedings of the adjourned session held July 15, 1869, were
read and approved.

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

ORDINANCES ON SECOND READING.

On motion, general ordinance No. 35—1869, entitled :

AN ORDINANCE supplementary to an ordinance entitled "An ordinance reg-
ulating the erection of public lamps and providing for lighting the streets
and alleys of the City of Indianapolis with gas."

Was read the second time.

Mr. Newman moved to amend by striking out the second section and called for the ayes and noes.

The question being to strike out,

Those who voted in the affirmative were Councilmen Brown, Newman, Shepherd, Pyle, Thalman and Whitsit—6.

Those who voted in the negative were Councilmen Cottrell, Gimber, Harrison, Heckman, Kahr, Kennington, Marsee, Thoms, Weaver, Wiles and Woodburn—11.

So the motion to strike out was lost.

The ordinance was then ordered engrossed.

On motion, general ordinance No. 37—1869, entitled:

AN ORDINANCE amendatory of an ordinance entitled "An ordinance creating the office of City Gas Inspector, defining his duties and fixing his salary," passed February 17, 1868.

Was read the second time and referred to the Committee on Gas.

On motion, general ordinance No. 38—1869, entitled:

AN ORDINANCE appropriating money for charitable purposes in the City of Indianapolis.

Was read the second time and referred to the Committee on Finance.

Dr. Woodburn arose to a question of privilege in relation to the motion of censure offered by His Honor, the Mayor, at last meeting of Council, and offered the following preamble and resolution, proposing to withdraw the same should Mr. Cottrell see fit to offer an acceptable apology or explanation for his conduct and language upon that occasion.

WHEREAS, Thomas Cottrell, a member of this Common Council, did, at an adjourned session of this body, held Thursday evening last, speak disrespectfully concerning a certain member thereof, and did also impugn the motives of other members of said body:

AND WHEREAS, Did refuse to obey on being called to order by the Mayor, as President of this Council, and did also use offensive language towards that officer:

AND WHEREAS, The conduct and language of said Thomas Cottrell, in the above particular, were disgraceful, ungentlemanly and reprehensible:—
Therefore,

Resolved, That this Common Council does hereby censure and reprimand the said Thomas Cottrell for the said objectionable and offensive words and actions.

His Honor, the Mayor, called Mr. Newman to the Chair, and asked leave to withdraw the motion of censure offered by him.

Which was granted.

Mr. Cottrell declining to offer any other apology or explanation than the withdrawal of a portion of the offensive language referred to.

The resolution, after considerable discussion, participated in by nearly all the members present, was adopted by the following vote :

Those who voted in the affirmative were Councilmen Harrison, Kahn, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—10.

Those who voted in the negative were Councilmen Brown, Gimber, Heckman, Kennington, Shepherd and Whitsit—6.

So the resolution was adopted.

His Honor, the Mayor, then resumed the Chair, and ordinances on their third reading were taken up.

ORDINANCES ON THIRD READING.

On motion, general ordinance No. 26—1869, entitled :

AN ORDINANCE prescribing rules and regulations for the government of the Council, its officers, and officers connected with the city government. C

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, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

On motion by Mr. Brown, 50 copies of the above ordinance was ordered to be printed in pamphlet form.

On motion, general ordinance No. 33—1869, entitled :

AN ORDINANCE protecting bridges and streets. B

Was read the third time and placed upon its passage. S

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

On motion, general ordinance No. 34—1869, entitled:

c AN ORDINANCE prohibiting bathing in Central Canal.

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, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the ordinance passed.

On motion, general ordinance No. 29—1869, entitled:

m AN ORDINANCE prescribing penalties for the violation of an ordinance entitled "An ordinance to amend Sec. 3 of an ordinance regulating the Markets within the City of Indianapolis, defining the duties of Market Master and prescribing certain rules and regulations relative to the sale of provisions, produce and other articles in the Markets and other portions of said city.

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 Cottrell, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver and Wiles—12.

Those who voted in the negative were Councilmen Brown, Gimber, Harrison, Whitsit and Woodburn—5.

So the ordinance passed.

On motion, general ordinance No. 35—1869, entitled:

g AN ORDINANCE supplementary to an ordinance entitled "An ordinance regulating the erection of public lamps, and providing for the lighting the streets and alleys of the City of Indianapolis with gas.

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 Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Pyle, Thoms, Weaver, Wiles and Woodburn—12.

Those who voted in the negative were Councilmen Brown, Newman, Shepherd, Thalman and Whitsit—5.

So the ordinance passed.

On motion, special ordinance No. 61—1869, entitled:

AN ORDINANCE to provide for graveling the east sidewalk on Alabama street from Merrill street to the north side of the first alley south of South st. a

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, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit and Wiles—16.

Councilman Woodburn voting in the negative—1.

So the ordinance passed.

On motion, special ordinance No. 62—1869, entitled:

AN ORDINANCE to provide for grading and graveling Wilkins street and sidewalks, from Maple street to Chestnut street, with good River or Creek gravel.

Was read the third time.

Mr. Gimber presented the following petition:

INDIANAPOLIS, July 19, 1869.

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

We, the undersigned, owners of real estate bordering on Wilkins street, in out-lot No. 119, in the City of Indianapolis, ask and beg your honorable body that the grading and graveling of said street be dispensed with for the present, as a great many of us have already been taxed with street improvements for the same real estate in grading and graveling Illinois and Tennessee streets.

We further beg to state that said Wilkins street is but little used by vehicles of any kind, and its drainage is as good as we desire for traveling and health.

James Frank,
Louis Budenz,
Gottlieb Mathews,

Peter Fike,
John Hillmann,
And 6 others.

Which was received.

On motion, the ordinance was ordered stricken from the files.

On motion, special ordinance No. 63—1869, entitled :

a AN ORDINANCE to provide for grading and graveling the alley running from Delaware street west to Pennsylvania street through Knox and Danforth's subdivision of the south part of out-lot 173.

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, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 64—1869, entitled :

10 AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on St. Joseph street, between Delaware and Pennsylvania streets.

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, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 65—1869, entitled :

2 AN ORDINANCE to provide for graveling the south sidewalk of Louisiana st. between Virginia Avenue and East street.

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, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 67—1869, entitled :

AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on Michigan street, between Meridian and Illinois streets. g.
m.

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, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 68—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Pratt street, between Illinois and Meridian streets. P.

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, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 70—1869, entitled :

AN ORDINANCE to provide for grading and graveling Alabama street from Washington street to Virginia Avenue, exclusive of the sidewalks and gutters.

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, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent, Mr. Brown presented the following communication :

INDIANAPOLIS, July 19, 1869.

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

The undersigned, agent of the Babcock Fire Extinguisher, respectfully asks permission to build a fire and test the machine in the City of Indianapolis, under the supervision of the Chief Fire Engineer, on Tuesday evening, July 20, 1869. He also requests that the Council will, if they deem it proper, appoint a committee to be present on that occasion, and investigate and see that a fair test is made. He also cordially invites your honorable body to attend and witness the experiment.

W. B. JACOBS, Agent.

Which permission was granted and the invitation accepted.

On motion, special ordinance No. 66—1869, entitled :

AN ORDINANCE to provide for grading and paving with brick the sidewalks on East street, between New York and Washington streets.

Was read the third time and laid over one week.

By unanimous consent, Mr. Thoms made the following motion :

That Mr. Biedemeister be allowed to grade and pave in front of his property on North East street, the same to be done under the direction of the City Civil Engineer, at his own expense.

Which was adopted.

On motion, special appropriation ordinance No. 26—1869, entitled :

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

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, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special appropriation ordinance No. 25—1869, entitled :

f. AN ORDINANCE appropriating money for the use of the Fire Department.

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, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

On motion, special appropriation ordinance No. 27—1869, entitled:

AN ORDINANCE appropriating money for the payment of sundry claims on account of the City Hospital for the month of June, 1869.

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, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

No Councilman voting in the negative.

So the ordinance passed.

CALL OF THE ROLL.

Mr. Brown introduced special ordinance No. 72—1869, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Maryland street, between Alabama and West streets, except such portions of such street as are already provided with public lamp-posts, lamps and fixtures.

Which was read the first time by its title.

Mr. Brown introduced special ordinance No. 73—1869, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Madison Avenue between the south side of the alley between out-lots 16 and 25 and Pennsylvania street.

Which was read the first time by its title.

Mr. Brown offered the following motion:

That the Street Commissioner be directed to advertise for proposals for the construction of a stone culvert $2\frac{1}{2}$ feet deep and 2 feet wide, to be covered with flagging, on the west side of Delaware street, at the intersection of the

Central and Union Railway tracks, and when such bids are received report the same to the Common Council.

Which was adopted.

Mr. Heckman introduced general ordinance No. 39—1869, entitled:

AN ORDINANCE in relation to the vacation of streets and alleys in the City of Indianapolis.

Which was read the first time by its title.

Mr. Heckman introduced special ordinance No. 74—1869, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on East street, between Washington street and Pogue Run.

Which was read the first time by its title.

Mr. Heckman offered the following resolutions:

Resolved, That the Indianapolis and Cincinnati Railroad Company be, and is hereby, required to improve Louisiana street between East and Noble sts., by grading and graveling said street between the limits aforesaid, as required by ordinances granting said Company right of way upon and along said street, ordained April 20, 1852, and June 15, 1852, the terms of which were acted upon and accepted by said Company. That said Company be required to enter upon said work within thirty days.

Resolved, That the Clerk issue to the Marshal two certified copies of these resolutions, one of which he shall lawfully serve upon the proper officer or officers of said Company, and the other he shall duly return to the Clerk within three days after receipt thereof, with his proceedings properly endorsed thereon, and of such return he shall make prompt report to this body.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kahn, Kennington, Marsee, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit and Woodburn—14.

Councilman Newman voting in the negative.

So the resolutions were adopted.

Mr. Harrison offered the following motions:

That the present custodian of Circle Park be, and he is hereby, directed to appoint E. F. Steffens, Esq., as his Deputy, said Steffens to serve as such without pay.

That the Street Commissioner be, and he is hereby, instructed to properly fill the alley south of the old Second Ward School House, so as to clear the same of the mud and stagnant water standing thereon.

That the Street Commissioner be, and he is hereby, instructed to repair the gutter on the south side of Pennsylvania street, between St. Clair and St. Joseph streets.

Which were adopted.

Mr. Harrison, also, offered the following motion :

That the Committee on Streets and Alleys be instructed to inquire into the expediency of the passage of an ordinance to provide for garbage wagons, or some other method by which garbage, kitchen offal, slops, &c., may be daily removed from the residences of such citizens as may desire the same to be done.

Which was referred to the Board of Health.

Mr. Harrison introduced general ordinance No. 40—1869, entitled :

AN ORDINANCE to prevent the throwing of stones or other missiles at birds, and to prevent the obstructing of the track of the Citizens' Street Railway Company.

Which was read the first time by its title.

Mr. Harrison presented the following petitions :

INDIANAPOLIS, July 15, 1869.

To the Members of the Common Council of the City of Indianapolis :

GENTLEMEN:—The undersigned respectfully petition your honorable body for the vacation of Vine street from Jackson street to the first alley west.

The portion proposed to be vacated is only an awkward termination of said street, extending north 40 feet from Jackson street to said alley, of no public utility whatever, and can never be of any advantage to the city. We are the owners of the adjoining property set opposite our names below.

JAMES DENEEN,
LUSSETTA HORNBERGER.

INDIANAPOLIS, July 15, 1869.

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

GENTLEMEN:—The undersigned respectfully petitions your honorable body for the opening of Gregg street from the first alley east of East street through the southern part of lot No. 66, in out-lot No. 181, to Jackson street; also, for the vacation of the alley immediately south of said lot. Your petitioner is the owner of said lot, and will submit to the decision of the City Commissioners as to the benefits and damages which may result to the property holders concerned by the opening of said street.

LUSSETTA HORNBERGER.

Which were referred to the Committee on Streets and Alleys.

Mr. Harrison presented the following petition :

INDIANAPOLIS, July 9, 1869.

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

GENTLEMEN:—We, the undersigned, respectfully petition your honorable body to enact an ordinance to grade and gravel Gregg street and sidewalks

from East to Jackson streets. We are the owners of property fronting on said street, between the limits above mentioned, as set opposite our names respectively.

LUSETTA HORNBERGER.
C. F. RAFERT.

Which was received.

Mr. Harrison introduced special ordinance No. 75—1869, entitled :
AN ORDINANCE to provide for grading and graveling Gregg street and sidewalks, between East street and the first alley east of East street.

Which was read the first time by its title.

Mr. Harrison presented the following petition :

INDIANAPOLIS, July 9, 1869.

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

GENTLEMEN:—We, the undersigned, respectfully petition your honorable body to enact an ordinance to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on St. Clair street, between New Jersey and Chatham streets. We are the owners of property fronting on said street, between the limits aforesaid, as set opposite our names respectively.

Andrew Fisher,
E. D. Olin,
J. E. Ludlum,

Mrs. Mary Ludlum,
S. A. Fletcher,
And 3 others.

Which was received.

Also, special ordinance No. 76—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on St. Clair street, between New Jersey and Chatham streets.

Which was read the first time by its title.

Mr. Harrison presented sundry accounts for work done at the Market Houses.

Which were referred to the Committee on Accounts and Claims.

Mr. Kahn offered the following motion :

That the City Commissioners be requested to bring in a report in regard to opening Vermont street from Noble to East streets.

Which was adopted.

Mr. Kahn presented the following petition :

INDIANAPOLIS, July 19, 1869.

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

The undersigned, who are the owners of the property bordering on the alley running north and south, through Square number two (2), in the City of Indianapolis, from Michigan to North streets, respectfully ask the privi-

lege of grading and graveling said alley at their own cost, under the direction of the City Engineer.

John Shellenberger,
Benj. Harrison,
Wm. Daggett,

L. VanLaningham,
P. R. Perine,
And 5 others.

Which was granted.

Mr. Marsee offered the following motion :

That the City Marshal be authorized to employ a Janitor to take charge of the City Offices, at a compensation not exceeding nine dollars per week.

Which was referred to the Committee on Public Buildings.

Mr. Marsee offered the following motion :

That the City Attorney commence suit against James Stewart and his security, William Enners, the said Stewart having failed to complete his contract for grading and graveling Vine street and sidewalks, between Jackson and Ash streets, the time for completion of the said work having expired on the first day of April, 1869.

Mr. Wiles presented the following communication :

INDIANAPOLIS, July 19, 1869.

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

GENTLEMEN:—The undersigned, property holders on Vine street, between Jackson and Ash streets, would represent that on the 21st of last December, a contract to grade and gravel the street and sidewalks of the above named street was let to James Stewart for 64½ cents per lineal foot each side, and that James Stewart has gone ahead and graveled a portion of the sidewalk and partly graded the street. We see by the last proceedings of the Council that Samuel Lefever is awarded a contract for the same street for 78½ cents per foot front, without the Council ever declaring the contract of Stewart forfeited. We ask that nothing be done by the Council that will relieve Stewart from his contract, but that he be compelled to complete the street at the earliest possible moment. The bond of Samuel Lefever should therefore be not approved.

Henry Coburn,
John Coburn,
Geo. W. Miller,

W. N. Foster,
Mary A. Coburn,
And 8 others.

Which were referred to the City Attorney and Committee on Judiciary.

Mr. Thalman offered the following motion :

That the City Clerk notify Daniel Mahoney that he must complete his contract made and entered into with the Common Council for grading and graveling Washington street and sidewalks from the western arm of the Central Canal and White River, by the time given him in his contract, which is August 1st, 1869, and on failure to do so the same will be declared forfeited.

Which was adopted.

Mr. Marsee offered the following motion :

That the City Attorney be requested to examine into and report as to whether the alley running east and west through part of Square No. 57, between

Washington and Court streets, is a public or a private one; the contract for the bowldering of said alley has been let, and the contractor desires to know what to do in the premises.

Which was adopted.

Mr. Marsee offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lot No. 23, in Roset's second subdivision of out-lot No. 103, be, and they are hereby, required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 23d, 1866, entitled "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to drain or fill said excavation, as provided in said ordinance, and provided that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate as assessed upon the tax duplicate for city purposes.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kennington, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Marsee offered the following motion :

That 300 copies of the City Clerk's and Fire Engineer's reports be printed in pamphlet form.

Which, on motion, was laid over for one week.

Mr. Marsee offered the following motion :

That the City Clerk be directed to advertise for sealed proposals for the building of 16 cisterns for fire purposes, as reported on by the Committee on Fire Department.

Which was adopted.

Mr. Shepherd offered the following motion :

That the Street Commissioner be ordered to repair the bridge at the crossing of Maryland and Missouri streets.

Which was adopted.

Mr. Newman presented the following petition :

INDIANAPOLIS, July 19, 1869

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

GENTLEMEN:—The undersigned, property holders on Maryland and South Meridian streets, and otherwise interested in the wholesale business of the city, earnestly protest against the erection of a City Prison on Maryland st., between Meridian and Pennsylvania streets. That portion of Maryland street is now rapidly improving in the erection of large and substantial accommodations for the wholesal trade, and would be seriously injured by the location of the Prison in the center of a business square.

We therefore respectfully urge the Council to dispose of the lot and erect the prison elsewhere.

Holland, Ostermeyer & Co.,
Alford, Talbot & Co.,
Patterson, Moore & Talbot,

Kiefer & Vinton,
H. F. West & Co.,
And 42 others.

Which was referred, with other papers on the subject, to the Committee on Public Buildings.

Mr. Pyle offered the following motion :

That the Market Master be instructed to have Mr. Walden whitewash the East and West Market Houses, at a cost not exceeding thirty dollars.

Which was adopted.

Mr. Thalman offered the following motion :

That the Street Commissioner be directed to bowlder the crossing of the sidewalk on the west side of Mississippi street, where the same crosses Market street, the width of the sidewalk. The same now is about to be paved with brick between Washington and Market streets.

Which was adopted.

Mr. Thoms offered the following motion :

That the Street Commissioner be directed to repair the last bridge on East Market street inside of the Corporation line.

Which was adopted.

Mr. Wiles presented the following petition :

INDIANAPOLIS, July 19, 1869.

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

GENTLEMEN:—I respectfully ask leave of absence from attendance on the meetings of the Council during the period of one month from the 22d inst., the state of my health rendering it necessary that I should quit business and be absent from the city for at least that length of time during the heated weather.

Very respectftlly,

TEMPLE C. HARRISON.

Which was granted.

Mr. Wiles offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lot No. 8, in out-lot No. 181, be, and they are hereby, required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 23d, 1866, entitled "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to drain or fill said excavation, as provided in said ordinance, provided the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate as assessed upon the tax duplicate for city purposes.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Gimber, Harrison, Heckman, Kennington, Marsee, Newman, Pyle, Thalmann, Thoms, Weaver, Wiles and Woodburn—13.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Wiles introduced general ordinance No. 41—1869, entitled :

AN ORDINANCE compelling the cutting down and eradication of thistles.

Which was read the first time, and referred to the Judiciary Committee and City Attorney.

Mr. Wiles offered the following motion :

That William Davis be allowed to grade Pine street and gravel the sidewalk in front of his property, lot No. 132, in out-lot 96, provided it is done at his own expense and under the direction of the Civil Engineer, and that the Civil Engineer be directed to set the grade stakes.

Which was adopted.

Mr. Wiles presented the following petition :

INDIANAPOLIS, July 19, 1869.

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

The undersigned would respectfully represent unto your honorable body that they are severally property owners of and in out-lot No. 178 in said City, and own lots therein fronting on New Jersey street. They further say that said New Jersey street, on the east side thereof, along the west front of said entire out-lot, was opened and used for more than twenty years to the full width of the said street south of said block, thereby making the east half of said street, including the sidewalk, along the said west front of said out-lot forty-five feet; that the said city, and the public generally, and the owners of lots on and along said street, had thereby acquired and had in fact and in law a right of way in and to said street to the full width aforesaid; but they say that John W. Brown, Andrew Turner, George Wilson and William

C. Ewing have, within eighteen months last passed, removed their fences fronting on the said street, and on the west side of said block, so as to enclose five feet of the said sidewalk of said street in and along said west side of said block; that they are not advised of the grounds upon which said enclosure has taken place, or the authority under which the gentlemen named have acted in making the same; but they do say that such enclosure is an encroachment upon the rights of the city and the public generally, and a great wrong to your petitioners as lot owners fronting on said street and in the said out-lot. They therefore pray that the said John W. Brown, Andrew Turner, George Wilson and Wm. C. Ewing may, by an ordinance of your honorable body, be directed and compelled to replace their fences on the old line of said street, as the same had been known and used by the public for more than 20 years before said gentlemen set their fences out as aforesaid.

F. A. Lehr,
A. E. Pattison,
J. L. Gordon,

J. C. Burton,
F. Gustater,
And 8 others.

Which was referred to the Committee on Streets and Alleys, City Attorney and Civil Engineer.

Mr. Wiles offered the following motion :

That the bids for removing and re-erecting the dismantled gas lamps be referred to the Committee on Gas Light, with power to award the contract thereunder, and have the work commenced without delay.

Which was adopted.

Sealed proposals for public work were opened and read and referred to their appropriate Committees.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, July 19, 1869.

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

We, the undersigned, Hackmen and Express baggage men, would represent that the ordinance requiring us to stand our hacks and wagons on the south side of the Union Depot is a hardship, and is ruinous to our business, and we respectfully petition you to repeal said ordinance.

John W. Blake,
Joseph Grinstener,
Dennis Sullivan,

W. H. Kinkead,
L. Harris,
And 19 others.

Which was received.

Dr. Woodburn introduced general ordinance No. 42—1869, entitled :

AN ORDINANCE repealing an ordinance entitled "An ordinance prohibiting the standing of Hacks, Omnibuses, Express wagons and other vehicles on Louisiana street, between Tennessee and Meridian streets," passed June 21, 1869.

Which was read the first time by its title.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, July 19, 1869.

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

GENTLEMEN :—We respectfully petition your honorable body for the privilege of filling to grade and graveling, at our own expense, so much of St. Joseph street, running west from Meridian 210 feet as lies fronting our property on each side of said St. Joseph street, and that you instruct the City Civil Engineer to set grade stakes for the same.

B. F. TUTTLE,
M. M. LANDIS.

Which was referred to the Committee on Streets and Alleys.

Dr. Woodburn offered the following motions :

That the Street Commissioner drain the first half square of the gutter on the west side of Indiana Avenue into the Ohio street culvert, and that the Civil Engineer set the necessary grade stakes.

That E. R. Moody be permitted to grade and gravel the south half of the alley running north and south between Tennessee and Mississippi and Vermont and Michigan streets, the same to be done at his own expense, the stakes to be set by the Civil Engineer.

Which were adopted.

Dr. Woodburn, also, presented the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 12, 1869.

Number of patients in Hospital at last report.....	20
Number of patients received in Hospital since last report	4
Number of patients born in Hospital since last report	0
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	21

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JUNE 19, 1869.

Number of patients in the Hospital at last report.....	21
Number of patients received in the Hospital since last report.....	2
Number of patients born in Hospital since last report	1
Number of patients discharged from Hospital since last report.....	6
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	18

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JULY 17, 1869.

Number of patients in Hospital at last report.....	22
Number of patients received in Hospital since last report.....	6
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	5
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	23

Which were received.

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

INDIANAPOLIS, July 19, 1869.

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

The Committee on Streets and Alleys, to whom was referred sundry proposals for street improvements, have examined the same and would recommend that contracts be awarded as follows, to wit:

1. For the improvement of Illinois street, from the north side of St. Clair street to the north side of North street, Hanway and Lefever, at 59½ cents per lineal foot for bowldering the gutters, bowldering the crossing of streets and alleys, 76½ cents per superficial yard, graveling and grading per lineal foot front, \$1 71.

2. For the improvement of Illinois street, from the north side of St. Clair to First streets, to Hanway & Lefever, for bowldering gutters per lineal foot 59½ cents, grading and graveling per lineal foot front \$1.35, bowldering the crossings of alleys and streets 76½ cents per lineal foot front on each side.

3. For repairing Illinois street from Ohio to the north side of North street, Patterson & Dunning, bowldering gutters per lineal foot 56 cents, bowldering crossings of streets and alleys 72 cents per lineal foot front on each side, pit gravel 95 cents per cubic yard, screened river gravel \$1.35 per cubic yard for grading and graveling the alley running east and west through out lot 85, between lots 4 and 5, and 16 and 17, in said out lot, to August Richter, at 32 cents per lineal foot on each side.

4. For grading and graveling Arch street and sidewalks, between Broadway and Plum streets, to Hanway & Lefever, at \$1.60 per lineal foot on each side of the line improved.

5. For grading and graveling New Jersey street and sidewalks from Merrill street to the north side of the first alley north of Merrill street, to Lefever & Hanway, at 86½ cts. per lineal foot on each side of the line improved.

6. For grading and graveling the alley lying between Daugherty and Coburn streets from East to Wright streets, to Huffington & Foust, at 86½ cents per lineal foot on each side of line improved.

7. For grading and paving the north sidewalk on Indiana avenue, and curbing the outside edge with white oak plank from West to St. Clair street, to R. P. Dunning, at 60 cents per lineal foot front for paving, and 18 cents per lineal foot front for curbing.

8. For grading, paving, with brick and curbing, the outside edge of the sidewalk with white oak plank, the west sidewalk on Mississippi street from Washington to Market streets, to R. P. Dunning, at 63 cents per lineal foot front for paving, at 17 cents per lineal foot front for curbing.

9. A petition was referred to your committee, signed by Levi Marshall and James Breen, in regard to water standing between the northern terminus of Winston and St. Clair streets, and as the same will cost considerable money, that an ordinance be passed to relieve them of the stagnant water complained of.

10. A remonstrance was also referred to your committee by the property owners on Illinois street, between Ray and Morris streets, in regard to the kind of gravel being placed on said street. We have examined the gravel and find it fair creek gravel taken from the bed of the tail race of the canal near Underhill's mill. The Civil Engineer has taken the matter in hand and will see that the proper material is furnished.

11. A petition was referred to your committee, from Frederick Jasper, Samuel Moore and others, asking for the vacation of three feet off the east side, of the first alley west of Virginia avenue, between Stevens street and Merrill street, fronting on Stevens street. We recommend that the prayer of the petitioners be granted and the vacation ordered

ISAAC THALMAN, }
 JOHN MARSEE, } Committee.
 C. HECKMAN, }

Which was concurred in with the exception of the last paragraph, which was laid over one week.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
Indianapolis, July 19, 1869. }

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

The City Clerk respectfully reports to the Common Council the following Contracts:

1. Contract and bond of Samuel Lefever for paving and curbing the outside edge of the sidewalk, with stone, on Washington and Tennessee streets, in front of the building occupied by the Supreme Court, and offices on the south-west corner of Washington and Tennessee streets.
2. Contract and bond of Samuel Lefever for furnishing 1,600 yards of gravel for the use of the Street Commissioner, to be delivered at any point in the city designated by said officer.
3. Contract and bond of Samuel Lefever for grading and graveling Vine street and sidewalks from Jackson to Ash streets.
4. Contract and bond of Thomas O Conner, to grade the first alley south of Stevens street, running east and west, between Waters and Greer streets.
5. Contract and bond of David Sylvester for grading and graveling Oak street and sidewalks from Massachusetts avenue to Cherry street.
6. Contract and bond of August Richter for building a stone-walled culvert at the intersection of South street and Virginia avenue.
7. Contract and bond of August Richter for building a bridge over the canal on McCarty street.
8. Contract and bond of John Scheier for grading and graveling Vermont street, and sidewalks from California street to the first alley west of Bright street.
9. Contract and bond of Charles Rooney to pave, with brick, the sidewalks on Tennessee street, from Indiana avenue to North street.
10. Contract and bond of Charles Rooney to pave, with brick, the west sidewalk on Illinois street, and curb the outside edge, with white oak plank, from South street to Pogue's run.
11. Contract and bond of Deloss Root and Jerome B. Root for erecting lamp posts, lamps and fixtures complete to burn gas, except the service pipe on Alabama street, from Washington street to Pogue's run.
12. Contract and bond of Orlando Link for the removal of dead animals dying within the city, giving as security John P. Frenzell.
13. Contract and bond of Rich'd Carr for grading and graveling Chestnut street, and west sidewalk from Ray to Morris street.

Respectfully submitted,

DANIEL M. RANSELL, *City Clerk.*

Which was concurred in, with the exception of the third paragraph, awarding the contract for grading and graveling Vine street and sidewalks, from Jackson to Ash street, which was laid over one week.

And, on motion, the contract of Jas. Stewart for the grading and graveling said Vine street was declared forfeited, and the City Attorney directed to institute suit against the said Stewart for the non-fulfillment of his said contract.

On motion the Council adjourned.

Dan Macauley
DANIEL MACAULEY, *Mayor.*

ATTEST:

D M Ransdell
DANIEL M. RANSELL, *City Clerk.*