

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, AUGUST 24TH, 1868, 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, Davis, Foster, Geisel, Goddard, Henschen,  
Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Wood-  
burn—13.

Absent—Councilmen Burgess, Coburn, Colley, Cottrell and Mac-  
Arthur—5.

The proceedings of the regular session held Aug. 17th, 1868, were  
read and approved.

Mr. Brown offered the following motion :

That Charles Mayer be allowed to pave with brick and curb the outside edge of  
the sidewalk with stone in front of his store room on Pearl street, and the Civil  
Engineer is hereby directed to set the stakes for the same. The same to be done  
within 60 days.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, Aug. 24, 1868.

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

We, the undersigned, Trustees of the German Catholic Church in the City of Indianapolis, do hereby make application to you, the said honorable body, to vacate alley running through the north half of Square number seventy-seven along the west side of lots Nos. 9 and 10, in St. Palais' subdivision in said Square. Should your honorable body favor us, and grant the desired vacation, we, as Trustees of the above named Church, in compensation for said grant, agree to convey 12 feet of the east side of lots Nos. 9 and 11 in the above mentioned subdivision to the City of Indianapolis, to enlarge the alley running in the rear of lots 1, 2, 3, 4, 5, 6, 7 and 8, which is at present entirely too narrow for commercial use and purposes.

P. GERMAN, KASIMIR SEITER, HERMAN HORST, LOUIS BUDENZ, PETER KERSBERY,	}	Trustees.
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We, the undersigned, owners of real estate in said Square, favor and approve, and beg your honorable body, the Common Council of Indianapolis, to grant the desired vacation by the Trustees of St. Mary's German Catholic Church, as said alley is of but little use and benefit to any one owning real estate in said Square or the public in general.

We hope that the honorable body, the Common Council, will grant the vacation of said alley, as the donation of 12 feet of the east side of lots 9 and 10 in Square No. 77, which the said Trustees agree to make if favored with said vacation, which will greatly improve the alley running in the rear of lots 1, 2, 3, 4, 5, 6, 7 and 8, in Square 77, which now, in its present width, renders hardly any access to the business houses situated on the above named lots.

Foster, Wiggins & Co.,	George Schmitt,
G. A. Kauffman,	M. Wenger,
Andrew Wallace,	Theodore Meyer.

Which was referred to the Committee on Streets and Alleys.

Mr. Davis offered the following motion :

That the Street Commissioner be, and is hereby, directed to open the gutters on Tennessee street, between Merrill and McCarty streets.

Which was adopted.

Also, the following motions :

That Butsch and Dickson be permitted to lay down curbing and an Asphalt pavement in front of the Academy of Music, on the corner of Illinois and Ohio streets, at their own expense, and that the Street Commissioner be instructed to contract for the city's portion of said work at the crossing of Ohio and Illinois sts. at the same time, all the said work to be done under the supervision of the Civil Engineer, and similar to the pavement in front of the new Gas Office on Pennsylvania street.

That Valentine Butsch and P. Ritzinger be permitted to lay down stone curbing in front of their property, Metropolitan and Washington Hall, on Washington street, near Tennessee street, provided the same be done at their own expense, and that the Street Commissioner be instructed to contract for the city's portion of curbing at the crossing of Tennessee and Washington streets at the same time when the other work is done; all said work to be done under the supervision of the City Engineer.

Which were adopted.

Mr. Davis, also, offered the following motion :

That Valentine Butsch be permitted to lay down an Asphalt pavement in front of Metropolitan Hall, at his own expense, and that the Street Commissioner be instructed to contract for the city's portion of pavement at the same time, provided that all said work is done under the superintendence of the Civil Engineer, and similar to the pavement in front of the Gas Office on Pennsylvania street.

Which was adopted.

Mr. Davis introduced special ordinance No. 81—1868, entitled :

AN ORDINANCE to provide for grading and graveling Muskingum alley, between St. Clair and Pratt streets, including the sidewalk.

Which was read the first time.

Mr. Goddard offered the following motion :

That the Trustees of Odd Fellows' Hall and Mr. Metzger be allowed to put Asphaltum paving down in front of their premises on Washington street, between Pennsylvania and Alabama streets.

Which was adopted.

Mr. Goddard introduced special ordinance No. 82—1868, entitled :

AN ORDINANCE to provide for grading and paving Eckert street and sidewalks, between Merrill street and Kentucky Avenue.

Which was read the first time.

Mr. Kappes offered the following motion :

That the City Sexton be, and is hereby, authorized to put a wooden pump in the well at the City Cemetery.

Which was adopted.

Mr. Kappes introduced special ordinance No. 83—1868, entitled :

AN ORDINANCE to provide for grading and graveling Walnut street and sidewalks, between Meridian and Delaware streets.

Which was read the first time.

Mr. Kappes introduced special ordinance No. 84—1868, entitled :

AN ORDINANCE to provide for grading and graveling Walnut street and sidewalks, between Delaware and Alabama streets.

Which was read the first time.

Mr. Loomis introduced special ordinance No. 85—1868, entitled :

AN ORDINANCE to provide for repairing Virginia Avenue from Stevens street to the Corporation line south-east.

Which was read the first time.

Mr. Seidensticker presented the following remonstrance :

INDIANAPOLIS, Aug. 22, 1868.

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

GENTLEMEN :—We, the undersigned property holders, would represent to your honorable body that some time since an ordinance was passed providing for the grading and graveling of Lockerbie street and sidewalks, between Noble and Liberty streets, but upon a united remonstrance of the owners of the property on both sides of said street being presented, it was wisely decided not to have said work done. At the last meeting of your honorable body a new ordinance was introduced for the same improvement. We therefore again most respectfully but earnestly remonstrate against the passage of said ordinance, as many of us would have to sell our property to pay for said improvement.

Hoping your honorable body will grant our request, we are in duty bound, &c.

M. Tuzyniv,  
John Andra,  
James Pierce,

Oliver S. Keely,  
Fred. Dammeyer,  
Joseph Bilgne.

Which was referred to the Board of Public Improvements.

Mr. Seidensticker introduced general ordinance No. 158—1868, entitled :

AN ORDINANCE to grant a special license for Theatrical and other performances to the proprietors of the Academy of Music.

Which was read the first time.

Mr. Stanton offered the following motion :

That Dr. D. Funkhouser have the privilege of paving his sidewalk with brick and curbing the outside edge with Putnamville or Flat Rock stone in front of his residence on the west side of Mississippi street, between Washington and Ohio sts., the same to be completed inside of 60 days, and the Civil Engineer is hereby directed to set the stakes for the same.

Which was adopted.

Mr. Stanton presented the following :

INDIANAPOLIS, Aug. 24, 1868.

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

I hereby tender my resignation as a member of the Police Board.

Yours respectfully,

A. P. STANTON.

Which was accepted.

On motion by Mr. Seidensticker, the Council proceeded to elect a member to fill the vacancy.

Dr. Jameson was put in nomination, and upon a ballot being taken, was duly elected.

Dr. Woodburn offered the following motion :

That James Kerlin and James Swain be allowed to repave with brick, the sidewalk in front of their property on North Illinois street, under the direction of the City Civil Engineer.

Which was adopted.

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

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
 Indianapolis, Aug. 24, 1868. }

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

GENTLEMEN:—The Board of Public Improvements would respectfully recommend that the Street Commissioner be directed to rebowlder the alley in Square No 56, running from Washington street north to the alley running east and west, between Meridian and Pennsylvania streets.

J. W. DAVIS, }  
 SAM'L GODDARD, } Board.

Which was concurred in.

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, Aug. 24, 1868.

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

The Committee on Streets and Alleys, to whom was referred the petition of H. W. Caldwell and others, in relation to the occupancy of the Missouri street sidewalk by Gay & Roberts, report that the Council has no power to grant the prayer of the petitioners, and they therefore recommend that the petition be laid on the table.

AUSTIN H. BROWN, }  
 J. W. DAVIS, } Committee.

Which was concurred in.

Mr. Kappes, from the Committee on Accounts and Claims, introduced special appropriation ordinance No. 41—1868, entitled :

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

Which was read the first time.



Mr. Loomis, from the Committee on Railroads, made the following report:

INDIANAPOLIS, Aug. 24, 1868.

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

GENTLEMEN:—Your Committee, to whom was referred the petition of the I., C. and L. R. R. Co., asking that they be permitted to locate and maintain two side tracks, commencing in the south-west corner of block 83, thence west across Alabama street and block 84 to the Union track in Delaware street; as, also, their petition to connect and change their tracks connecting their main line with the so-called McCord & Wheatley switch, ask to report in favor of granting the prayer of the petitioners under proper and usual restrictions.

Respectfully submitted,

W. H. LOOMIS, }  
G. A. FOSTER, } *Committee.*

Which was concurred in.

Mr. Loomis, also, introduced general ordinance No. 159—1868, entitled:

AN ORDINANCE granting the petition of the Indianapolis, Cincinnati and Lafayette Railroad Company for crossing with side tracks Alabama and Delaware sts.

Which was read the first time.

His Honor, the Mayor, from Special Committee, made the following report:

INDIANAPOLIS, Aug. 17, 1868.

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

GENTLEMEN:—We, the undersigned Committee, who were directed by your honorable body to cancel and destroy certain Bonds issued by the former Clerk, C. S. Butterfield, have performed that duty, and have canceled all of the Bonds issued by him with the exception of 40,000 dollars now held by the First National Bank of this City as collateral security for a loan of 30,000 dollars made last spring.

Respectfully submitted,

DANIEL MACAULEY, Mayor.  
ROBERT S. FOSTER, City Treasurer.  
JOHN G. WATERS, Deputy City Clerk.

Which was concurred in.

#### REPORTS FROM CITY OFFICERS.

The City Clerk made the following report :

INDIANAPOLIS, Aug. 24, 1868.

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

The City Clerk respectfully reports to Council the following:

1st. The contract and bond of Deloss and Jerome B. Root for the erection of lamp-posts, lamps and fixtures on Chatham street, between St. Clair street and Massachusetts Avenue.

2d. The contract and bond of Deloss and Jerome B. Root for the erection of lamp-posts, lamps and fixtures on St. Clair street, between Meridian and Illinois streets.

3d. The contract and bond of Samuel Hanway for grading and graveling Ash street and sidewalks from Massachusetts Avenue to the Corporation line north.

4th. The contract and bond of Samuel Hanway for grading and graveling Muskingum street and sidewalks, between New York and Vermont streets.

5th. The contract and bond of Anthony Richter for building a bridge over Pogue Run at the crossing of Ohio street.

6th. The contract and bond of William Cogill and M. A. Huffington to grade and gravel Daugherty street and sidewalks, between East and Wright streets.

7th. The contract and bond of William Cogill and M. A. Huffington to grade and gravel Coburn street and sidewalks, between East and Wright streets.

Respectfully submitted,

DAN. M. RANSELL, City Clerk.

Per JOHN G. WATERS, Deputy.

Which was received and the contracts and bonds approved.

The Civil Engineer made the following report :

INDIANAPOLIS, Aug. 24, 1868.

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

In obedience to your directions of August 18th, I have examined North Illinois street, and would recommend in addition to the contemplated change at the crossing of North and Illinois streets, so as to run the water on the south side of North street into the Canal, that the water be run across Illinois street and Indiana Avenue, on the north side of Ohio street, to Tennessee street—thence across Ohio street in an open bowldered valley and down on the east side of Tennessee street to Market street, where it would intersect the present channel and pass off into the Canal. Illinois street and Indiana Avenue would have to be passed by culvert. The remainder would be an open gutter, and the valleys across Ohio street would be filled up to the regular grade of the street, which would improve the crossing of Ohio and Illinois streets very much. The grade will be three inches to one hundred feet, which will carry off the water very well.

Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Attorney made following report :

INDIANAPOLIS, Aug. 24, 1868.

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

GENTLEMEN :—I have examined the petition concerning bridges across the Canal, and submit the following :

The injunction against the City simply prevents the erection of bridges at a grade so low as to interfere with navigation. At the time the controversy arose I advised that the bridges be erected at a grade high enough to permit boats to navigate the Canal. If the Canal Company has any rights at all to the Canal it has a right to have it remain navigable.

There is nothing to prevent the City from erecting a bridge in such a manner as not to interfere with navigation; and if, upon due notice, the Canal Company refuse to erect necessary bridges, compel the Company to pay the costs thereof.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

## ORDINANCES ON SECOND READING.

Mr. Seidensticker called up general ordinance No. 158—1868, entitled:

AN ORDINANCE to grant a special license for Theatrical and other Musical Performances to the Proprietors of the Academy of Music.

Which was read the second time and ordered to be engrossed.

Mr. Seidensticker moved that the rules be suspended and that the ordinance be placed upon its passage.

The question being on a suspension of the rules, those who voted in the affirmative were Councilmen Brown, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

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 Brown, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker called up special appropriation ordinance No. 41—1868, entitled:

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

Which was read the second time and ordered to be engrossed.

Mr. Seidensticker moved that the rules be suspended and the ordinance be placed upon its passage.

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No Councilman voting in the negative.

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

No Councilman voting in the negative.

So the ordinance passed.

On motion, special ordinance No. 85—1868, was read the second time and ordered to be engrossed.

On motion, general ordinance No. 159—1868, was read the second time and ordered to be advertised.

#### ORDINANCES ON THIRD READING.

Dr. Jameson called up special ordinance No. 73—1868, entitled:

AN ORDINANCE to provide for grading and graveling the center alley running north and south through Square 41, from Market to Ohio street.

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, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up special ordinance No. 71—1868, entitled:

AN ORDINANCE to provide for grading and graveling Choptank alley, between Walnut and North streets, including the sidewalks.

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, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the affirmative.

So the ordinance passed.

Mr. Geisel called up special ordinance No. 70—1868, entitled :

AN ORDINANCE to provide for grading and graveling Arch street and sidewalks, between Broadway and Jackson streets.

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, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, Schmidt, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

On motion, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANSELL, *City Clerk.*