

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, APRIL 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

Absent—Councilmen Burgess, Colley, Loomis, Schmidt and Stanton—5.

The proceedings of the regular session held April 5th, 1869, were read and approved.

Mr. Brown moved that the ordinance repealing the ordinance to re-district the Wards of the City, that was pending at adjournment of the meeting held April 5th, 1869, and also the resolution offered by Mr. Cottrell at the meeting of Council held March 29, 1869, declaring the seats of Councilmen Seidensticker and Stanton in Council vacant, be postponed until the first meeting of Council in June, 1869.

Mr. Foster moved to lay Mr. Brown's motion on the table.

Mr. MacArthur called for the ayes and noes.

The question being on laying Mr. Brown's motion on the table,

Those who voted in the affirmative were Councilmen Davis, Foster, Geisel, Henschen and Kappes—5.

Those who voted in the negative were Councilmen Brown, Coburn, Cottrell, Goddard, Jameson, MacArthur, Seidensticker and Woodburn—8.

So the motion to lay on the table was lost.

The question then being on Mr. Brown's motion to postpone,

Mr. Geisel called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Goddard, Jameson, MacArthur, Seidensticker and Woodburn—10.

Those who voted in the negative were Councilmen Geisel, Henschen and Kappes—3.

So the motion was adopted.

Ordinances on third reading being in order,

Mr. Kappes called up special ordinance No. 5—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Alabama street, between North and St. Joseph 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Cottrell called up special ordinance No. 17—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Alabama street, between Virginia Avenue and the south side of McCarty 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn called up special ordinance No. 10—1869, entitled :

AN ORDINANCE to provide for grading and graveling St. Clair street and sidewalks, between Tennessee and Missouri 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Jameson called up special ordinance No. 3—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 Alabama and New Jersey 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Cottrell called up special ordinance No. 16—1869, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on New Jersey street, between South street and the south side of Merrill 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, Coburn, Cottrell, Davis, Fos-

ter, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Cottrell called up special ordinance No. 2—1869, entitled :

AN ORDINANCE to provide for graveling the west sidewalk of Alabama st., between the south side of Duncan street and the south side of South st.

Which was read the third time and placed upon its passage.

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes called up special ordinance No. 109—1868, entitled :

AN ORDINANCE to provide for grading and paving the west sidewalk of Alabama street, between Ohio and New York 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidenster and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Goddard called up special ordinance No. 12—1869, entitled :

AN ORDINANCE to provide for grading and graveling Meridian street and sidewalks, between McCarty and Ray 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, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker called up special appropriation ordinance No. 11—1869, entitled :

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

Which was read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn--13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Seidensticker called up special appropriation ordinance No. 13—1869, entitled :

AN ORDINANCE appropriating the sum of one thousand dollars for the use of the Street Commissioner's department.

Which was read the third time and placed upon its passage.

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Brown offered the following motion :

That general ordinance No. 8, regulating the running of freight trains within the limits of the City of Indianapolis, be stricken from the Clerk's files.

Which was adopted.

Also, the following motion :

That the City Clerk cause the register of the numbers of houses to be so changed as to give new numbers to that part of Meridian street south of McCarty street, (formerly known as Bluff Road,) the new numbers to be in succession to those numbers north of McCarty street on said street. Also, that the City Clerk cause the said register to be so changed as to give new numbers to Russell street, (formerly Bluff Road.) Also, California street north of North street. Also, that the City Marshal be furnished with such new numbers by the City Clerk, and that he notify those living on such streets by leaving notice at their respective houses that the owners or occupants of such houses will be required to re-number the same, at their own expense.

Which was adopted.

Mr. Brown introduced general ordinance No. 9—1869, entitled :
AN ORDINANCE for the protection of the public grounds and Parks of the
City of Indianapolis.

Which was read the first time.

Mr. Brown presented the following resignation :

INDIANAPOLIS, April 19, 1869.

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

GENTLEMEN:—I hereby resign the office of Register of Elections for the
Fifth Ward of the City of Indianapolis.

Respectfully, ANTON MILLER.

Which was accepted.

Agedius Naltner and John Truxsess were nominated to fill the va-
cancy.

His Honor, the Mayor, appointed Councilmen Brown and Jameson
tellers.

Whole number of votes cast 12. Necessary to a choice 7.

Agedius Naltner received.....	7 votes.
John Truxsess received.....	5 "

A. Naltner having received a majority of all the votes cast, was
declared duly elected as Register of Elections for the Fifth Ward of
the City of Indianapolis.

Mr. Brown offered the following motion :

That Lieber & Co. be directed to place tile draining in the gutter in Penn-
sylvania street from their Brewery to Pogue Run, as soon as they can pro-
cure suitable tile for that purpose, as per order of the Council of the 16th of
November, 1868.

Which was adopted.

Mr. Coburn offered the following motion :

That ordinance No. 11, for the grading and graveling of Oak street, be-
tween Massachusetts Avenue and the Corporation line north, be stricken
from the files.

Which was adopted.

Also, the following motion :

That the City Clerk re-advertise the ordinances for the lighting of New
York and Vermont streets, between Delaware and Alabama streets.

Which was adopted.

Mr. Cottrell offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lot No. 31, in Square No. 80, be, and they are hereby, required to fill 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 passage of the resolution,

Those who voted in the affirmative were Councilmen Brown, Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Seidensticker and Woodburn—13.

No Councilman voting in the negative.

So the resolution passed.

Mr. Cottrell presented the following resignation :

INDIANAPOLIS, April 19, 1869.

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

I hereby resign the office of Register for th Seventh Ward.

RICHARD MAYER.
Per COTTRELL.

Which was accepted.

On motion by Mr. Cottrell, John W. Brough was appointed to fill the vacancy.

Mr. Geisel offered the following motions :

That Frederick Stellhorn be permitted to grade and gravel the alley between lots 304 and 305, under the direction of the City Civil Engineer, the same to be done at his expense.

That further time be allowed to James Stewart, for thirty days, to finish grading and graveling Vine street between Ash and Jackson streets.

That the Street Commissioner be directed to notify the Indianapolis, Pittsburgh and Cleveland Railroad Co. to plank the crossing on John street.

That William Enners be appointed as one of the Judges on the Election Board for the Second Ward.

Which were adopted.

Mr. Goddard presented the following petition :

INDIANAPOLIS, April 19, 1869.

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

The undersigned, owners of property on Illinois street, between Ray st. and the south Corporation line, would respectfully request your honorable body to pass an ordinance to grade and gravel said street and sidewalks with good river or creek gravel.

Wm. C. Weiland,
Henry Fahr,
Charles Schott,

Lambert Krumholz,
Wm. Harting,
And 7 others.

Which was received.

Also, special ordinance No. 23—1869, entitled :

AN ORDINANCE to provide for grading and graveling Illinois street and sidewalks from Ray street to the Corporation line south.

Which was read the first time.

Mr. Goddard offered the following motion :

That the session of the Registry Board and the City Election for the Fifth Ward be held at the School House on Pennsylvania street, near South st.

Mr. Brown moved to amend, by inserting "School House on West Maryland street," and called for the ayes and noes.

The question being on Mr. Brown's amendment,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Davis, Foster, Geisel, Henschen and Kappes—7.

Those who voted in the negative were Councilmen Coburn, Goddard, Jameson, MacArthur, Seidensticker and Woodburn—6.

So the amendment was adopted.

The motion, as amended, was then adopted.

Mr. Henschen presented the following petition :

INDIANAPOLIS, April 19, 1869.

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

GENTLEMEN :—The undersigned, property holders on Buchanan street, would respectfully petition your honorable body to pass an ordinance for the grading and graveling of the above named street.

A. S. Ray,
Henry Rodewald,
John J. Stumph,

H. J. Brattain,
N. B. Taylor,
And 14 others.

Which was received.

Also, special ordinance No. 24—1869, entitled :

AN ORDINANCE to provide for grading and graveling Buchanan street and sidewalks from East street to Virginia Avenue.

Which was read the first time.

Mr. Henschen presented the following petition :

INDIANAPOLIS, April 19, 1869.

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

GENTLEMEN :—We, the undersigned, property owners on Bradshaw street, would respectfully petition your honorable body to pass an ordinance for the grading and graveling of the above named street.

W. Martindale,	H. M. Witman,
C. F. Martindale,	David Fleming,
Henry Rodewald,	Chas. D. Snider,
Charley Srhako,	Thomas Ellis.

Which was received.

Also, special ordinance No. 25—1869, entitled :

AN ORDINANCE to provide for grading and graveling Bradshaw street from Virginia Avenue to the western terminus of Bradshaw street.

Which was read the first time.

Also, special ordinance No. 26—1869, entitled :

AN ORDINANCE to provide for grading and graveling Cady street and sidewalks, between Bates and Harrison street.

Which was read the first time.

Mr. Henschen presented the following resignation :

INDIANAPOLIS, April 19, 1869.

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

GENTLEMEN :—Please accept my resignation as one of the members of the Board of Registers of the Eighth Ward.

C. E. WHITSIT.

Which was accepted.

Also, the following motion :

That A. F. Hartman be elected as one of the members of the Board of Registers of the Eighth Ward to fill the vacancy.

Which was adopted.

Dr. Jameson offered the following motion :

That the Gas Inspector be directed to make a complete schedule for lighting the City for the year ending May 1st, 1870, and report the same at the next regular meeting.

Which was adopted.

Mr. MacArthur offered the following motion :

That the Market Master be authorized to have all the benches and stands at the East and West Market Houses repaired in proper order, the same having been broken and otherwise injured, expense not to exceed \$20.

Which was adopted.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, April 19, 1869.

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

GENTLEMEN :—The undersigned respectfully represents to your honorable body, that on or about the 13th of March, 1850, he became the purchaser, from said City of Indianapolis, of all of lot number ten (10) in said City's subdivision of part of out-lot No. 159 of said City, and that the price agreed upon was fifty dollars; that he paid one-third of said purchase consideration cash in hand, and gave his two promissory notes for \$16.66 $\frac{2}{3}$ cents each, with interest from date of sale, at one and two years respectively, with Silas Petty as surety thereon, and that he received a bond for a deed from said City on full payment of said purchase money; that he has long since fully paid said purchase money, and in all things complied with the conditions of said bond; that said lot, from the date of his purchase, has been entered in his name for taxation, and that he has paid the taxes thereon up to the present time; that long since he lost or mislaid said bond so that he cannot now find it, and that he has not sold or transferred said bond to any one, and that he is now the rightful owner of said lot, and is lawfully entitled to ask, demand, and receive a good and sufficient deed for the same from said City of Indianapolis; and now prays that you cause said deed to be made to Andrew Bauman for said lot No. 10, or to the undersigned, should you elect. And the undersigned will ever pray, &c.

his
JULIUS + PETTY.
mark.

STATE OF INDIANA, }
MARION COUNTY, } ss:

Julius Petty makes oath and says that the matter and things set forth in the foregoing petition are true in substance and in fact.

his
JULIUS + PETTY.
mark.

Sworn to and subscribed before me, this 19th day of April, 1869.

WM. SULLIVAN, Not. Public.

And your petitioner files herewith his tax receipts for said lot, and an abstract of a judgment in favor of said City, and against him, for the last payment on said lot, and the certificate of Justice Fisher of the full payment thereof.

his
JULIUS + PETTY.
mark.

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

Dr. Woodburn offered the following motion :

That the City Clerk and the City Engineer be instructed to enter into negotiations with Bennet Brooks in regard to the difference in the cost of building a High Bridge over the Canal on St. Clair street, in lieu of the low one

for which he now has the contract, and report at the next meeting of the Council.

Which was referred to the City Attorney with the following instructions :

To report the state of litigation between the City and Canal Company, and also, whether a change in the contract would not prevent the City from testing their right to make the Canal Company pay for bridging the Canal.

On motion, the Council adjourned to meet on April 20, 1869, at 7½ o'clock, P. M.

DANIEL MACAULEY, *Mayor.*

ATTEST:

D. M. RANDELL, *City Clerk.*