

PROCEEDINGS
OF THE
COMMON COUNCIL.

SPECIAL SESSION.

COUNCIL CHAMBER,
Indianapolis, July 20, 1863. }

Council met in special session, this evening at 8 o'clock.

Present—His Honor, the Mayor, John Caven, and Councilmen Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—16.

Absent—Messrs. H. A. Fletcher and William John Wallace—2.

The proceedings of the regular session, held July 13, 1863, were read and approved.

By Mr. Boaz—Remonstrance :

INDIANAPOLIS, July 20, 1863.

We, the signers and property owners on the alley between Railroad and Union streets, being graded between McCarty and Wilkins streets, do most respectfully petition the City Council not to have the said alley graveled, as it is no use to us at present, for the alley is already too high.

DANIEL DAWSON,	HENRY BALLS,
JAMES P. MORRISON,	DIETRICH SMITH,
WILLIAM RAFERT,	FRED. STRUCKMANN,
ROBERT NEIGHBOURS,	MRS. BENNETT,
SOLOMAN HARNESSE,	W. GLOSE,
MICHAEL MORRISON,	HEINRICH GRABERT,
FREDERICK ERNST,	JOHN JEMISON,
HEINRICH BAUMHOFER,	CHAS. H. FOLKENING,
JAMES J. BROWN,	

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

By Mr. S. A. Fletcher, Jr., Chairman of Committee on Accounts :

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

The Committee on Accounts report the following ordinance, and ask its passage :

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 treasury not otherwise appropriated, as follows :

David Powell, 32 days as Chief of Police at \$2 00 per day	\$64 00
W. S. Johnson, 32 days as Lieutenant of Police at \$1 75 per day.....	56 00
John S. Bray, 32 days as night patrolman, at \$1 75 per day.....	56 00
George Taffe, 32 days as night patrolman, at \$1 75 per day	56 00
Thomas D. Amos, 31½ days as night patrolman, at \$1 75 per day	55 12
W. W. Loucks, 32 days as night patrolman, at \$1 75 per day	56 00
Hannibal Taffe, 32 days as night patrolman, at \$1 75 per day	56 00
D. B. Charles, 23½ days as night patrolman, at \$1 75 per day	41 12
J. T. Foos, 15 days as night patrolman, at \$1 75 per day	26 25
Robert Redmond, 31 days as night patrolman, at \$1 75 per day	54 25
Samuel Buser, 30½ days as night patrolman, at \$1 75 per day.....	53 37
F. Lang, 32 days as night patrolman, at \$1 75 per day....	56 00
Henry Paul, 32 days as night patrolman, at \$1 75 per day	56 00
Stephen Wilson, 32 days as night patrolman, at \$1 75 per day.....	56 00
A. Unversaw, 31 days as night patrolman, at \$1 75 per day.....	54 25
H. S. Adams, 32 days as night patrolman, at \$1 75 per day... ..	56 00
J. W. Bradley, 32 days as night patrolman, at \$1 75 per day.....	56 00
A. E. Cattersen, 32 days as night patrolman, at \$1 75 per day.....	56 00
John R. Cotton, 42½ days as night patrolman, at \$1 75 per day	74 37
J. T. Murphy, 29 days as night patrolman, at \$1 75 per day.....	\$50 75
Amount carried over	\$1,089 48

Amount brought over	\$1,089 48
Jacob B. Power, 32 days as day patrolman, at \$1 75 per day	56 00
Joseph P. Duvall, 32 days as day patrolman, at \$1 75 per day	56 00
Charles E. Carter, 32 days as day patrolman, at \$1 75 per day	56 00
William Bretney, 31½ days as day patrolman, at \$1 75 per day	55 12
M. W. E. Doran, 30 days as day patrolman, at \$1 75 per day	52 50
Robert B. Barbee, 31 days as day patrolman, at \$1 75 per day	54 25
Elijah Hedges, 5 days as night patrolman, at \$1 75 per day.....	8 75
	<hr/>
Total amount of Police expenses....	<u>\$1,428 10</u>

FIRE DEPARTMENT EXPENSES.

Frank Glazier, services as engineer in the Fire Department, to July 15, 1863, inclusive	\$65 00
Daniel Glazier, services as engineer in the Fire Department, in full to July 15, 1863, inclusive	65 00
Charles E. Curtis, services as engineer in the Fire Department, in full to July 15, 1863, inclusive	65 00
John Riggs, services as fireman in the Fire Department, to July 15, 1863, inclusive.....	51 00
James A. Isgrigg, services as driver in the Fire Department, in full to July 15, 1863, inclusive	51 00
John Hamilton, services as driver in the Fire Department, to July 15, 1863, inclusive	51 00
E. H. Webster, services as fireman in the Fire Department, in full to July 15, 1863, inclusive	51 00
William Dawson, services as driver in the Fire Department, in full to July 15, 1863, inclusive.....	51 00
William Curtis, services as driver in the Fire Department, in full to July 15, 1863, inclusive	51 00
Frank Ingersoll, services as fireman in the Fire Department, in full to July 15, 1863, inclusive	51 00
Orrin Tuttle, services as driver in the Fire Department, in full to July 15, 1863, inclusive	23 80
Samuel Blythe, services as driver in the Fire Department, in full to July 15, 1863, inclusive.....	51 00
William Miller, services as driver in the Fire Department, in full to July 15, 1863, inclusive.....	27 20
George Kentzel, services as driver of hook and ladder wagon, in full to July 15, 1863, inclusive.....	51 00
	<hr/>
Amount carried over.....	<u>\$2,133 10</u>

Amount brought over.....	\$2,133 10
Charles W. Rhoads, services as watchman in the Fire Department, to July 15, 1863, inclusive.....	51 00
Milton S. Huey, services as watchman in the Fire Department, in full to July 15, 1863, inclusive.....	51 00
Leonard Gay, 3 months' services as pipeman, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Aaron Rosier, 3 months' services as pipeman, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Philip Socks, 3 months' services as pipeman, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
David Hofferd, 3 months' services as pipeman, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Charles Youngerman, 3 months' services as pipeman, in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Frederick Weaser, 3 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
George Thomas, 3 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Wm. F. Shomberg, 3 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	12 50
Henry Buscher, 2 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	8 33
John Schiedler, 2 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	8 33
Jesse T. Brown, 2 months' services as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	8 33
Casper Freshour, 2 months' service as pipeman in the Fire Department, in full to July 15, 1863, inclusive, at \$4 16 $\frac{2}{3}$ per month.....	8 33

STREET IMPROVEMENTS.

James Stewart, amount due on the first and final estimate for grading and graveling Ohio street, and north sidewalk, between Pennsylvania and Delaware streets, made at 60 $\frac{3}{4}$ cents per lineal foot for the street, 31 $\frac{1}{2}$ cents per lineal foot for the sidewalk, as per estimate of the Civil Engineer to the Common Council, June 22, 1863.....	67 84
---	-------

Amount carried over.....\$2,436 26

Amount brought over.....	\$2,436 26
Michael Shea, assisting Civil Engineer, 24 days at \$1 50 per day	36 00
Alexander Wood, assisting Civil Engineer, at \$1 50 per day.....	36 00
James Stewart, amount of first and final estimate for grading and graveling Market Street, between Delaware and Pennsylvania streets, as per estimate of Civil Engineer to Council, on 13th of July, 1863	20 00
Samuel R. Mann, amount due on first and final estimate for grading and graveling Vermont street, between Massachusetts Avenue and East street.....	82 80
Samuel R. Mann, amount unpaid on first and final estimate for grading and graveling Michigan street and sidewalks, between Noble and Davidson streets.....	39 59
Thomas Wren, amount of City's portion for grading and graveling Ohio street and sidewalks, between Tennessee and Mississippi streets, as per estimate of the Civil Engineer to Council, June 22, 1863.....	366 80
James Stewart, services as Deputy Street Commissioner and Policeman, at \$1 75 per day, 35 days	61 25
R. B. Emerson, for enlarging bar in Council Chamber, and making one straight edge for Street Commissioner	11 25
Charles Glazier, feed, &c., furnished the Fire Department..	109 30
Andrew Wallace, 3 years storage on hand fire engine, at \$16 66 $\frac{2}{3}$ per year.....	50 00
To 1 doz. brooms for Fire Department	2 50
To 6 empty hogsheads, for Fire Department, at 25c...	1 50
W. J. H. Robinson, keeping city prisoners, for the month of June, 1863.....	484 80
John G. Waters, assisting City Clerk, and work done on the revision of ordinances, copying ordinances for revision	54 00
Indianapolis Gas Light and Coke Company, gas furnished street lamps, city offices, engine houses and watch tower	2,285 22
Gas fixtures	51 30
Extinguishing and lighting city lamps, for 3 months ending July 30th, 1863	263 75
Government tax on 823,300 feet of gas at 10 cents per thousand feet.....	82 33
Indianapolis Gas Light and Coke Company, amount of city's portion of the first and final estimate for erecting lamp posts, lamps and fixtures, on Tennessee street, between New York and Michigan streets, as per estimate of Engineer to Council, January 21, 1863.....	30 70
Amount carried over	\$6,505 35

Amount brought over	\$6,505 35
Amount of the city's portion of first and final estimate, for furnishing lamp, posts, lamps and fixtures, on the north side of Washington street, between Missouri and Blake streets, as per estimate to Council, April 21, 1863.....	42 30
Amount of the city's portion of first and final estimate for erecting lamp posts, lamps, and fixtures, on the south side of Washington street and the western arm of the Canal, as per estimate to Council, April 21, 1863.....	34 30
To erecting 1 lamp post and fixtures on North Pennsylvania street, between Market and Ohio streets	35 00
Total	<u><u>\$6,616 95</u></u>

RECAPITULATION.

Gas.....	\$2,285 22
Police expenses.....	1,428 10
Fire Department	1,103 62
Street Improvements	649 03
Jail expenses.....	484 80
Lighting and extinguishing lamps	263 75
Gas fixtures	193 60
Government tax on gas.....	82 33
Specific appropriations.....	65 25
Salary	61 25
Total	<u><u>\$6,616 95</u></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 20th day of July, 1863.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

The ordinance was read the first time, and, on motion, was read a second time by its title.

Mr. Emerson then moved that the rules be suspended, and the ordinance read a third time now.

The question being on the suspension of the rules, those who voted in the affirmative were, Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

The rules were suspended and the ordinance read a third time.

The question being, shall the ordinance pass? those who voted in the affirmative, were Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

So the ordinance passed.

By Mr. Haughey, from the Finance Committee :

INDIANAPOLIS, July 20, 1863.

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

The Finance Committee respectfully recommend the following erroneous taxes to be refunded, viz :

To Jos. K. English, City Treasurer, as follows, to-wit :

Tax on personal property, assessed against John Dougherty, who resides in Davenport, Iowa.....	\$2 99
Tax on poll and personal property against John Kohlbecker, who resides in Terre Haute.....	85
Double assessment against Nancy McClamrock, on personal property, for 1862.....	37
Tax on personal property against Joseph White, lived and was assessed in Hamilton county, January 1st, 1862, moved to this city in March, and was assessed here also for the same year.....	1 00
Two years' poll tax against Isaac Lackwood, over age.....	1 06
Poll tax against John Henry, for 1861, over age.....	55
Wm. B. Higgins, poll tax paid by him, being over age.....	55

Respectfully submitted,

\$7 37

THEO. P. HAUGHEY, }
HENRY COBURN, } *Committee.*

On motion of Mr. Brown, the report was concurred in, and the Clerk directed to draw an order on the treasury for the amount.

By Mr. Colley, from the Judiciary Committee :

INDIANAPOLIS, July 20, 1863.

To the Mayor and City Council :

Your committee, to whom was referred the petition of Rev. Mr. Long, asking to be allowed to erect a frame house on the corner of New Jersey and Market streets, would respectfully report the following :

There being only one question asked of the committee, namely, whether the Council have the power to avoid the ordinance by granting such permits, without first repealing the ordinance? We think it cannot legally be done. But your committee would take the liberty of suggesting that the ordinance ought to be amended so as to make it within the power of the Council to exercise a sound discretion

in such cases, as they find, upon examination, in the case of Mr. Long, that it ought to be granted if it could now be done legally.

S. A. COLLEY,
AUSTIN H. BROWN,
S. A. FLETCHER, JR., } *Committee.*

Which, on motion, was concurred in.

From the Committee on Police :

INDIANAPOLIS, July 20, 1863.

The matter of allowance of ten dollars to Michael Gallivan, Assistant Street Commissioner, with police powers, has been referred to the Committee on Police. On investigation, we think said Gallivan entitled to the amount, and recommend the same be allowed.

H. A. FLETCHER,
S. A. COLLEY, } *Committee.*

On motion of Mr. Jameson the report was concurred in, and the amount claimed by Mr. Gallivan allowed.

By Mr. Boaz, from the Board of Police :

INDIANAPOLIS, July 18, 1863.

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

I hereby tender my resignation as policeman of the Fourth Ward.
Yours respectfully,

THOMAS J. FOOS.

Which, on motion, was accepted.

By Mr. Boaz, from the Board of Police :

INDIANAPOLIS, July 20, 1863.

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

GENTLEMEN:—There being a vacancy in the police force, in the Fourth District, the Board of Police would respectfully recommend W. F. Brunnermer to fill said vacancy.

Respectfully submitted,

J. CAVEN,
WM. BOAZ,
HENRY COBURN,
JOHN BLAKE, } *Board of Police.*

On motion, the report was concurred in, and Mr. Brunnermer was unanimously elected policeman in the Fourth District, by a *viva voce* vote.

By Mr. Allen, from the Committee on Markets :

INDIANAPOLIS, July 20, 1863.

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

Your Committee on Markets, to whom was referred the report of the Market Master, would report that the suggestion made by him in reference to purchasing blocks, to the number of eight or ten, for

the use of butchers, be concurred in, and that he be authorized to procure them.

WILLIAM ALLEN, }
WILLIAM COOK, } *Committee.*

Which, on motion, was concurred in.

By Mr. Allen, from the Committee on Markets :

INDIANAPOLIS, July 20, 1863.

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

Your Committee on Markets to whom was referred the report of the Market Master, would report that the suggestions made by him in reference to having the wagons backed up to the north side of Market street, be concurred in.

WILLIAM ALLEN, }
WILLIAM COOK, } *Committee.*

Which, on motion, was concurred in.

Mr. McNabb, from the Committee on Cisterns, to whom was referred the Chief Fire Engineer's report in relation to building new cisterns, reported in favor of building a cistern on the corner of Market and New Jersey streets ; which was concurred in, and the cistern ordered to be built.

By Mr. Brown, Chairman Committee on Streets and Alleys :

INDIANAPOLIS, July 20, 1863.

MR. PRESIDENT:—The Committee on Streets and Alleys, to whom was referred sundry bids for street improvements, report that they find the following named parties the best bidders for the work named, and recommend that contracts be awarded them :

James R. Shea, for the grading and graveling of Tennessee street, between Maryland and Georgia streets.

James Stewart, for grading and graveling the street, and for paving with brick the sidewalks of Tennessee street, between Washington and Maryland streets.

Joseph Kruger, for grading the alley running east and west through out-lot No. 4.

James Stewart, for grading and graveling the alley running east and west through square 68.

James Stewart for grading and graveling Tennessee street, between St. Clair street and the Corporation line north.

James R. Shea & Co., for grading and graveling alley, and for curbing sidewalk of same ; of alley running north and south through out-lot 37.

AUSTIN H. BROWN, }
HENRY COBURN, } *Committee.*

On motion, the report was concurred in, and the contracts awarded.

INDIANAPOLIS, July 20, 1863.

MR. PRESIDENT:—The Committee on Streets and Alleys recommend that no award of contracts be made upon the bids referred to them for grading and graveling New York street, between Alabama and Meridian streets; for grading and graveling of North street, between Delaware and Illinois streets; and for grading and graveling Washington street, between the alley running north and south between out-lots 141. and 142, and the western arm of the Canal. These bids are all too high, and the city will have to pay large sums of money for her proportion of the work.

AUSTIN H. BROWN, }
HENRY COBURN, } *Committee.*

Which, on motion, was concurred in.

INDIANAPOLIS, July 20, 1863.

MR. PRESIDENT:—The Committee on Streets and Alleys, report that but one bid has been made for bouldering the alley running east and west through square 54, and that is at a high rate, viz: 91 cents. This improvement was prayed for by nearly all the property holders along the line, and is much needed. The committee prefer, however, to submit the facts to the Council without recommendation.

AUSTIN H. BROWN, }
HENRY COBURN, } *Committee.*

On motion of Mr. Brown, the subject was referred back to the Committee on Streets and Alleys, and the Councilmen from the Third Ward as a special committee.

INDIANAPOLIS, July 20, 1863.

MR. PRESIDENT:—The Committee on Streets and Alleys, to whom was referred the petition of Samuel Love, and others, relative to improving Hosbrook street, between Cedar and Grove streets, would report that no further action is necessary on said petition, the Council having passed an ordinance ordering said improvement before the Committee had an opportunity to report on the petition.

AUSTIN H. BROWN, }
HENRY COBURN, } *Committee.*

On motion, the report was concurred in, and the petition laid on the table.

INDIANAPOLIS, July 20, 1863.

MR. PRESIDENT:—The Street Commissioner has furnished the Committee on Streets and Alleys with the following statement of payments made by him, for street improvements.

AUSTIN H. BROWN, *Chairman.*

INDIANAPOLIS, July 4, 1863.

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

The Street Commissioner would respectfully report work done on streets, by whom, &c., as follows, to wit:

Francis Gearen, 10 days at \$1 50.....	\$15 00
John Kirkwood, 39 $\frac{3}{4}$ days at \$1 50.....	59 62
James Kanada, 40 $\frac{1}{2}$ days at \$1 50.....	60 75
George Moore, 31 $\frac{1}{4}$ days at \$1 50.....	46 87 $\frac{1}{2}$
John Richmann, 30 days at \$1 50.....	45 00
Patrick Breman, 10 days at \$1 50.....	15 00
James Evart, 1 $\frac{1}{2}$ days at \$1 50.....	2 25
Dennis Stow, 28 days at \$1 50.....	42 00
John Ferriter, 10 $\frac{1}{2}$ days at \$1 50.....	15 75
C. Loucks, teamster, 33 days at \$3.....	99 00
L. Kemper, teamster, 6 days at \$3.....	18 00
J. Whitsitt, teamster, 4 days at \$3.....	12 00
Kruger & Co., as per their time.....	101 37

\$532 61 $\frac{1}{2}$

Which, on motion, was received, and ordered to be spread on the minutes.

Mr. Brown, Chairman Committee on Streets and Alleys presented the following :

CONTRACT AND BOND OF THOMAS WREN.

This Agreement, made and entered into this 20th day of July, 1863, by and between Thomas Wren, of the county of Marion, and State of Indiana, of the first part, and the Common Council of the City of Indianapolis, of the second part :

Witnesseth, That the said party of the first part does covenant and agree to grade and gravel the first alley west of the Madison railroad track, running north and south from McCarty to Ray streets, at 34 cents per cubic yard for grading, and 84 cents per cubic yard for graveling, said amount to be collected by the party of the first part at his own expense, from the owners of property bordering on said improvement, according to their respective number of feet, and from the Common Council for the crossings of streets and alleys, in corporation orders, or city bonds, running two years, payable with six per cent interest, but payment thereof to be withheld so long as any sums remain unpaid to laborers employed by the contractor for work done in prosecution of said improvements. It is further understood that no assignment of this contract shall be made to any other party without the consent of the Common Council. The party of the first part further agrees to execute the work in accordance with the following specifications, viz: The alley to be graded full width according to stakes to be set by the Civil Engineer. The contractor to furnish at his own expense all the earth necessary for the proper completion of the contract, or if a surplus, shall remove the same to some street or alley as directed by the Engineer, not exceeding a distance of half a mile, and there level the same to his satisfaction. The centre of said alley to be graveled with good river or creek gravel, fifteen feet wide and fifteen inches deep in the centre, sloping to five inches at

either edge. The sidewalks to be graveled with good river or creek gravel to the depth of six inches.

To be finished on or before the first day of September, 1863, to the entire satisfaction of the Civil Engineer, and should said work not be finished by the time specified, and according to the above specifications, then the said party of the second part shall have the privilege and option of forfeiting this contract, and of reletting the same, and the party of the first part shall be responsible for all damages that may accrue by said failure to perform said work according to contract.

In testimony whereof, we, the foregoing named parties, hereunto set our hands, this 20th day of July, 1863.

THOMAS ^{his} WREN.
mark

For the Common Council of the City of Indianapolis,

JAMES WOOD, *Civil Engineer.*
Per JAMES ALBON, *Asst. Engineer.*

Know all men by these presents, That we, Thomas Wren and Michael Shea, of the county of Marion, and State of Indiana, are held and firmly bound to the Common Council of the City of Indianapolis, in the sum of two hundred dollars, the payment whereof well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

The conditions of the above obligation are such that if the above bound Thomas Wren, shall faithfully comply with the foregoing contract, made and entered into this 20th day of July, 1863, with the Common Council of the City of Indianapolis, and fulfil all the conditions and stipulations therein contained; according to the true intent and meaning thereof, in all respects, then this obligation to be void; otherwise, to remain in full force and virtue in law.

Witness our hands and seals the day and year last above written.

THOMAS ^{his} WREN. [SEAL.]
mark
MICHAEL SHEA. [SEAL.]

Which was accepted and approved by the Council.

By Mr. Brown :

Resolved—That the following first and final estimate, dated July 20, 1863, allowed Lefever & Kruger, for grading and paving the sidewalk on the south side of Ohio street, between Delaware and Meridian streets, be and the same is hereby approved and adopted as the estimate of this Council, and the property owners are hereby required to pay the sums set opposite their respective names.

The question being, shall the resolution pass? Those who voted in the affirmative were Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub and Thompson—16. Noes, none.

So the resolution passed.

First and Final Estimate allowed Lefever & Kruger, for grading and paving the sidewalk on the south side of Ohio street, between Delaware and Meridian streets, made at 64½ cents per lineal foot.

OWNERS' NAMES.	Lot.	Square.	Feet.	Inches.	Assessment.
Trustees of the Christian Church, off e. side	1	44	122	6	\$79 01½
John S. Tarkington, middle part.....	1	44	40	0	25 80
William Stewart's heirs, off w. side.....	1	44	40	0	25 80
William Sheets	12	44	202	6	130 61½
E. S. Alvord	6	45	120	0	77 40
Trustees Ind. Female Seminary, 10 and pt	9	45	100	6	64 82½
Common Council.....	.....	.....	.....	.....	31 81
Total .....	.....	.....	.....	.....	\$435 25¾

I certify the above estimate correct, and made in accordance with an order of the Common Council.

JAMES WOOD, *Civil Engineer.*

INDIANAPOLIS, July 20, 1863.

By Mr. Brown :

Resolved—That the Civil Engineer be directed to strike from the first and final estimate for grading and graveling Market street, between Delaware and Pennsylvania streets, the amount assessed against the United States (\$86 40) for the proportion of said work chargeable against the number of front feet occupied by the United States Court House and Post Office lot, and assess the said amount against the Common Council of the City of Indianapolis.

Resolved, further—That the Committee on Finance be directed to place in proper shape for presentation to Congress for allowance of the amount of such assessment; and, also, the assessment that may be made against the same property for its proportion of the bouldering of Pennsylvania street, and that such claims be placed in the hands of Gen. E. Dumont, our member of Congress.

The question being, shall the resolution pass? those who voted in the affirmative were Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameison, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Brown :

INDIANAPOLIS, July 20, 1863.

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

GENTLEMEN:—The claim of Henry Giesel, Esq., for services rendered by him as a member of your body, having been referred to

me for consideration, with instructions to report thereon, I beg leave to say, that, having carefully examined the matter, I have no hesitation in deciding that the claimant is entitled to full compensation for every session of your body at which he was entitled to a seat in accordance with the decision of the courts.

The case of Mr. Giesel, I will briefly remark, is by no means that of the other three gentlemen who were elected at the same time with himself. One of the latter left the city, and emigrated to a foreign country. Another went into the army, without prosecuting his claim to a seat. And the third, although remaining in the city, also failed or neglected to prosecute his rights. The Council, therefore, in my opinion, is or would be under no obligation to pay any one of them for services which they made little or no effort to claim the right to discharge. But the case of Mr. Giesel, I submit, presents an entirely different aspect. He has persistently, and unceasingly urged his claim to a seat, not only before your own body, but, as already observed, before the Courts of the country. These latter, after repeated hearings, finally decided in his favor, thereupon he at once took a seat among your body, where he served until the expiration of his term. But that he did not do so sooner, was not his fault and indeed, his prompt readiness to serve as a member of the Council when allowed, clearly demonstrates that he would have been equally prompt in doing so at any time from the period of his election, had it been in his power. I am, therefore, clearly of the conviction that the claimant is lawfully entitled to compensation for the whole of the term for which he was chosen.

All of which is respectfully submitted,

Cirany 6-073 19-7004721
19th and 34th
 R. J. RYAN, *City Attorney.*

On motion of Mr. Colley, the opinion of Attorney Ryan was received and ordered to be printed with the proceedings of the Council.

By Mr. Brown—Motion :

That the City Clerk be directed to ascertain, from his books, the average amount paid by the City to Councilmen from the 5th of July, 1861, to the 5th of May, 1863, and to issue an order in favor of Henry Giesel, late Councilman from the 9th Ward, for such average amount so ascertained, which shall be in full of any claim he may have against the City.

Mr. Haughey offered the following, as a substitute for Mr. Brown's motion :

Motion—That Henry Giesel be allowed the sum of two dollars for each night he was present in the Council Chamber claiming his seat in the Council, to be ascertained by his own statement on oath.

The question being on the adoption of Mr. Haughey's substitute.

Messrs. Brown and McNabb demanded the ayes and noes.

Those who voted in the affirmative were Messrs. Allen, Boaz, Colley, Cook, Coburn, Glazier, Haughey, and Thompson—8.

Those who voted in the negative were Messrs. Brown, Blake, Emerson, S. A. Fletcher, Jr., Jameson, Lefever, McNabb, and Staub—8.

There being a tie vote, His Honor, the Mayor, voted in the affirmative.

So the motion offered by Mr. Haughey, as a substitute for Mr. Brown's motion, was adopted.

On motion of Mr. Haughey, the following ordinance was taken up on the third reading:

AN ORDINANCE to provide for the furnishing and erecting of lamp posts, on Meridian street, between North street and the corporation line.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That Meridian street, between North street and the donation line be properly lighted according to the general plan of lighting the city, and that the expense of furnishing and erecting lamp posts, lamps and fixtures on such street, as aforesaid, (except so much thereof as is occupied by the crossings of streets and alleys,) be assessed against, and collected from, the owners of the lots bordering on said street, between the limits aforesaid, according to the provisions of sections 66 to 69, inclusive, of the city charter.

SEC. 2. The Civil Engineer is hereby directed to set the proper stakes and also to advertise by publication for ten days in the Indianapolis Daily Journal, and by posting up printed notices in not less than five of the most public places in the city, that sealed proposals will be received by the Common Council, at the meeting of the Council to be held on the 10th day of August, 1863, for the execution of said work.

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

Ordained and established this 20th day of July, 1863.

JOHN CAVEN, *Mayor.*

Attest: CYRUS S. BUTTERFIELD, *City Clerk.*

The question being, shall the ordinance pass? those who voted in the affirmative were Messrs. Allen, Blake, Colley, Cook, Coburn, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, Staub and Thompson—12.

Those who voted in the negative were Messrs. Brown, Boaz, Emerson and McNabb—4.

So the ordinance passed.

By Mr. Blake:

Resolved, That the sum of fifty-two dollars and thirty-eight cents be and is hereby allowed J. W. Davis, being an amount due him on settlement with the city of Indianapolis, on account as Chief Fire Engineer, as per bill rendered.

The question being on the adoption of the resolution, those who voted in the affirmative were, Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Brown :

Resolved, That the Street Commissioner be directed to fill up and pave over with brick the gutter now running across the east sidewalk on Illinois street, from the Palmer House lot to the gutter of Illinois street, so that slops cannot flow from the kitchen of said Palmer House into the street. Also that the Street Commissioner be directed to fill up solidly, with good river gravel, the gutter now running across the south sidewalk of Market street, from the Macy House to the gutter of Market street, so that slop cannot flow from the kitchen of said Macy House into the street. And also, that he repair in like manner all other pavements he may find in the same condition.

The question being, shall the resolution pass? those who voted in the affirmative were, Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerser, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

So the resolution passed.

By Mr. Boaz—Motion :

That Frederick Ropkey be allowed to sink a well on the corner of McCarty street and Madison Avenue, under the instruction of the Street Commissioner; provided he build and maintain a sink in connection with the same.

Which motion was adopted.

By Mr. McNabb :

Resolved, That Lefever & Kruger be allowed a final estimate for grading and bouldering Pennsylvania street, between Washington and North side of Ohio streets, when finished to the satisfaction of the Civil Engineer.

The question being, shall the resolution pass? those who voted in the affirmative were Messrs. Allen, Brown, Boaz, Blake, Colley, Cook, Coburn, Emerson, S. A. Fletcher, Jr., Glazier, Haughey, Jameson, Lefever, McNabb, Staub, and Thompson—16. Noes, none.

So the resolution passed.

On motion of Mr. Colley, the Council adjourned.

JOHN CAVEN, *Mayor*.

ATTEST :

C. S. BUTTERFIELD, *City Clerk*.