

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, JANUARY 22D, 1866, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair; and the following members at first roll-call:

Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—14.

Absent—Councilmen Boaz, Jameson, Kappes and Thompson—4.

The proceedings of the regular session, held January 15th, 1866, were read and approved.

His Honor, the Mayor, announced that the first business in order was the consideration of general ordinance No. 24, renewing the charter of the Indianapolis Gas Light and Coke Company.

On motion of Mr. Brown, the consideration of the ordinance was postponed until ordinances on their third reading were called, in the regular order of business.

Mr. Coburn presented a diagram of the corner of Vermont street and Massachusetts Avenue as paved by the city and Gen'l Jefferson.

C. Davis, in which Davis asks the city to reimburse him for part of city's portion of said pavement.

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

By Mr. Brown—Petition :

INDIANAPOLIS, January 22, 1866.

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

The undersigned respectfully represents, that on the 24th day of August, A. D., 1865, his desk was opened by a house servant, and, besides some \$100 in money, two City War Fund Orders, each for the sum of fifty dollars, were stolen therefrom. Only one of said orders was drawn in the name of the undersigned, and the number was ascertained. To guard against fraud on the transfer of said order, the undersigned published the following advertisement in the *Journal* of this city:

CITY WAR BONDS STOLEN.—Notice is hereby given that City War Bond No. 247, calling for \$50, first issue, was stolen from me on the 24th. Persons are warned against purchasing it, as payment has been stopped.

Aug. 26, d2t.

BENEDICT FISHER.

Some time afterwards I discovered the thief in the person of a girl, employed as a house servant. She had taken the money out of a pocket-book, in which it was kept, and had burned the pocket-book, containing the orders and some other valuable papers, to avoid all chance of detection. She confessed her guilt and these facts, and immediately afterwards left the city. The undersigned would further state said War Fund Order No. 247, first issue, was never out of his possession from the time the same came into his hands, until stolen, and that he never sold, transferred, or gave away the same to any person, but that it was lost, as above stated. And he respectfully asks for the issue to him of a duplicate order to replace said No. 247, stolen and lost as aforesaid.

BENEDICT FISHER.

Subscribed and sworn to before the undersigned this 19th day of January, A. D., 1866.

CHARLES COULON,  
Justice of the Peace.

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

Mr. Brown presented an account of Messrs. Elder, Harkness & Bingham, for the *Daily State Sentinel* furnished the offices of His Honor, the Mayor, the City Treasurer and the City Clerk, and asked that the same be paid.

Which, on motion, was referred to the Committee on Accounts and Claims.

Mr. Brown moved—

That the City Attorney be requested to give his opinion as to whether the costs of street improvements in front of grounds on which are located City School Houses ought to be paid by the city or by the Trustees of Schools, out of the School Building Fund.

Which motion was adopted.

Mr. Glazier moved—

That John Kenington be allowed to fill up mud hole in the alley between Duncan and Merrill streets.

Which motion was adopted.

Mr. MacArthur moved—

That the City Marshal be instructed to notify the contractor for the removal of dead animals, to comply more faithfully with the terms of his contract or be subject to the penalty annexed to said contract.

Which motion was adopted.

His Honor, the Mayor, introduced the following ordinance :

AN ORDINANCE appropriating money to pay the State and county tax for 1864 on the lots occupied by the House of Refuge.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis* That the sum of seventy dollars and forty-nine cents be, and the same is hereby, appropriated for the payment of the taxes due for the year 1864, on the lots occupied by the House of Refuge, and the City Clerk is hereby directed to issue a warrant for such a sum to George F. Meyer, County Treasurer, and the City Treasurer is directed to pay the same in cash.

SEC. 2. This ordinance shall be in force from and after its passage.

Ordained and established this 22d day of January, 1866.

JOHN CAVEN, *Mayor.*

Attest:

C. S. BUTTERFIELD, *City Clerk.*

Which was read the first time, and, on motion, was read the second time.

Dr. Jameson moved that the rules be suspended and the ordinance read the third time and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—15. Noes, none.

So the rules were suspended and the ordinance read the third time and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—15. Noes, none.

So the ordinance passed.

Dr. Jameson introduced the following ordinance :

AN ORDINANCE appropriating money to pay accrued interest on City Bonds, Nos. 52 and 53.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the sum of thirty dollars (\$30.00) be, and the same is hereby, appropriated for payment of accrued interest on City Bonds, numbered respectively 52 and 53, being half year's interest due January 2d, 1866.

SEC. 2. That the City Clerk is hereby authorized and directed to issue his warrant upon the City Treasury for the amount appropriated in the first section of this ordinance, to the person holding the coupons numbered 1 of 52, and 1 of 53, and that the City Treasurer be, and he is hereby, authorized and directed to cash said warrant on presentation at his office.

SEC. 3. This ordinance to be in force from and after its passage.

Ordained and established this 22d day of January, 1866.

J. CAVEN, *Mayor.*

Attest:

C. S. BUTTERFIELD, *City Clerk.*

Which was read the first time, and, on motion, was read the second time.

Dr. Jameson moved that the rules be suspended and the ordinance read the third time and placed upon its passage.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—15. Noes, none.

So the rules were suspended and the ordinance read the third time and placed upon its passage.

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—15. Noes, none.

So the ordinance passed.

Mr. Seidensticker presented the following opinion of the City Attorney; also general ordinance No. 31, as follows, to-wit :

INDIANAPOLIS, January 22, 1866.

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

GENTLEMEN:—I have examined the question propounded to me by Mr. Seidensticke's motion.

The charter provides that penalties for a violation of city ordinances shall be enforced by fine and imprisonment, (vide section 40 of charter). A corporation is an artificial, intangible being, and cannot of course be imprisoned. A corporation can act only through natural persons acting in the capacity of agents. In penal prosecutions there can be no agents. The law is thus sta-

ted by accurate text writers: "It is a doctrine, then, in conformity with the demands of justice, that an individual acting in the business and not the corporation should be indicted." In the case of the *State vs. President and Directors of Ohio and Mississippi Railroad*, 23 Ind. 362, a similar doctrine is maintained. I am of the opinion that the only effective mode in which a corporation can be punished, is to punish the individuals engaged in the commission of the prohibited acts. I do not think that the additional powers conferred by the forty-third sub-division of the thirty-fourth section of the new charter will enable Council to punish corporations in any other mode than by punishing the natural persons acting in their behalf.

I have examined the ordinance requiring flagmen to be stationed at certain crossings, and find it to be such a one as cannot be legally or effectively enforced. I have prepared an ordinance on the subject, which I herewith submit.

As to the request of the Committee on Revision of Ordinances, I have prepared a new ordinance on the subject of running locomotives within the city, containing all the provisions upon the subject, including in the same ordinance the provisions respecting flagmen. It was necessary to remodel these ordinances in order that they might be effectually enforced.

I have left blank the points at which flagmen are to be stationed, as I did not know at what points Council desired them to be placed.

The ordinance, it will be observed, has penalties attached to each section. The reason for doing this is, that an ordinance without a penalty would be of no practical utility whatever. Respectfully,

B. K. ELLIOTT, *City Attorney.*

**AN ORDINANCE** to regulate the running of locomotives and cars in the City of Indianapolis, and requiring flagmen to be stationed at certain Railroad crossings, defining the duties of such flagmen, and prohibiting locomotives and cars from running across certain streets unless a flagman is stationed at such crossings.

**SECTION 1.** *Be it ordained by the Common Council of the City of Indianapolis,* That it shall be the duty of every person engaged in running, managing, or controlling any locomotive or railroad train coming into said city, to commence ringing the bell attached to such locomotive upon approaching the limits of said city, and continue ringing it as long as said locomotive or train is in motion within the city limits. When any locomotive or train is departing from said city, it shall be the duty of the persons aforesaid to commence ringing the bell at the instant of departure, and continue ringing it until such locomotive and train shall have passed the corporate limits of said city. When running any locomotives or cars upon or along the track of any railway in said city, it shall be the duty of the persons aforesaid to ring the bell during the entire time that such locomotive or car is in motion. Any person engaged in and about the management, or control of any locomotive, car, or train, which shall be caused, or permitted to be run, without the bell being rung as aforesaid, shall be fined in any sum not exceeding fifty dollars.

**SEC. 2.** It shall be unlawful for any person to cause or permit any locomotive, train, or cars to be run upon or along any railroad track in said city, at a greater rate of speed than five miles per hour. Every person engaged in and about the control, conduct, or management of any locomotive, train, or car which shall be permitted to be run at a greater rate of speed than herein provided, shall be deemed guilty of a violation hereof and fined in any sum not exceeding fifty dollars.

**SEC. 3.** That it shall be the duty of every person connected with the control or management of any Railroad Company to cause flagmen to be stationed at the following points, viz.:

Any person connected with the general management or control of any railroad company, which shall fail or neglect to cause flagmen to be stationed as herein provided, shall be fined in any sum not exceeding fifty dollars.

SEC. 4. Said flagmen shall be provided with a proper and conspicuous signal flag, and shall give proper and timely notice to all foot passengers, horse-men, drivers of wagons, carts, street cars, and any and all vehicles, and to all persons driving cattle, horses, mules, sheep, hogs, or other animals of the approach of any locomotive, car, or train. And it shall be the duty of such flagmen to prevent children from occupying the track of any railroad at or near any of the crossings aforesaid. Any person acting as such flagman who shall fail or neglect to perform any and all of the duties required by this ordinance, shall be fined in any sum not exceeding fifty dollars.

SEC. 5. It shall be unlawful for any person to suffer, cause, or permit any locomotive, car, or train to be run upon, along, or across any of the streets mentioned in the third section hereof, unless a flagman has been duly stationed at such point as by said section required, and is properly engaged in the performance of the duties required by the preceding section. Any and every person engaged in or about the conduct, control, or management of any locomotive, train, or car, which shall be run upon, along, or across any of the streets aforesaid, where there is no flagmen stationed, as herein provided and required, shall be deemed guilty of a violation hereof, and fined in any sum not exceeding fifty dollars.

SEC. 6. It shall be unlawful for any person to leave any locomotive, car, or train standing in or upon any street or alley within the limits of said city, or to stop or leave any locomotive, car, or train standing at or so near the crossing of any street or alley of said city, as to hinder or endanger the free or safe passage of persons or teams. Any and every person engaged about the management or control of any locomotive, train, or car, which shall be left standing within said city in contravention of the provisions hereof, shall be fined in any sum not exceeding fifty dollars.

SEC. 7. It shall be unlawful for any person to cause, suffer, or permit any locomotive, car, or train, to be so run as to interfere with the free passage of any funeral procession crossing the railway, or when any such procession shall be so near the railway that the running of such locomotive, train, or car, shall hinder or delay such funeral procession from crossing the track. Any person engaged in the management or control of any locomotive or train, which shall be run in any manner prohibited by the provisions of this ordinance, shall be fined in any sum not exceeding fifty dollars.

SEC. 8. It shall be unlawful for any person connected with the management or control of any locomotive to cause, suffer or permit the whistle thereof to be blown or sounded within the corporate limits of said city. A violation of the provisions hereof, shall subject the offender to a fine of not more than fifty dollars.

SEC. 9. That whenever any horse, cow, steer, sheep, or other animals shall be killed by any locomotive, car, or train upon any railroad track of the said city, it shall be the duty of every person engaged in and about the control and management of such locomotive, car, or train, to cause said animal to be removed a distance of one mile outside of the city limits within five hours after such animal shall have been killed. Any such person failing or neglecting to remove such animal as herein required, shall be fined in any sum not exceeding fifty dollars.

On motion, the opinion of the City Attorney was accepted and approved, and the ordinance read the first time and laid over for one week, and ordered to be painted in the minutes.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, January 22, 1866. }

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

The Board of Public Improvements, to whom the petition of Joseph Ince and others, asking for the graveling of the north-west sidewalk of Massa-

chusetts avenue, between Chatham street and the first alley west, respectfully report that said sidewalk is entirely too low, which is the cause of its overflow; that to prevent it would require a large amount of gravel, the cost of which ought to be borne by the property-holders, and not by the public. We therefore recommend that the property owners between Chatham street and the first alley west, along the north-west sidewalk of Massachusetts avenue, be permitted to grade and gravel said sidewalk, provided it be done at their own expense, and according to the directions of the Civil Engineer.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*

Which, on motion, was concurred in.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
*Indianapolis, January 22, 1866.* }

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

The Board of Public Improvements, to whom the motion to grant precepts vs. John G. Kistner and Peter Rheinhardt was referred, respectfully report that they have examined all the evidence accessible and find :

1. In the case of John G. Kistner there was a pavement, before his premises, of good hard brick, but recently laid; these the contractor took up and used according to agreement. Mr. Kistner claims a credit for 800 bricks at the agreed price of \$10 per 1,000, and has been, and is now, willing to pay for the balance. We think his claim just and reasonable.

2. In the case of Peter Rheinhardt there seems to be an error in the assessment. He is assessed with 25 feet front, owning but 22½ feet front; also, with the full width of the pavement, to-wit: 15 feet, while there is an open area, flanked on the outside with stone, in front of his building, which is but 4½ feet wide, leaving but 10½ feet of pavement. He claims correction of these errors, and has been, and is ready to pay the balance.

As the failure to pay, in both cases, was not caused by the neglect or inability of Kistner or Rheinhardt, we recommend that the precepts be not granted.

HENRY COBURN,  
AD. SEIDENSTICKER, } *Board.*

Which, on motion, was concurred in.

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

INDIANAPOLIS, January 22, 1866.

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

GENTLEMEN:—The Committee on Accounts and Claims, to whom was referred the plans and specifications of the House of Refuge, held by Mrs. Albon, would respectfully report that she be allowed two hundred dollars for said plans and specifications, and that the above amount be embraced in the next ordinance on accounts and claims.

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

Which, on motion, was concurred in.

By Mr. Seidensticker, from Judiciary Committee :

INDIANAPOLIS, January 22, 1866.

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

The Judiciary Committee, to whom was referred the petition of Nancy Lohman in reference to the opening and laying out of Pratt street, was

referred, have duly considered the same, and respectfully report: Said petition asks for a reconsideration of the order of Council opening Pratt street, between Delaware and Alabama streets, by taking 30 feet off the north side of out-lot 174, and, in support of such request, avers:

1. Various errors of fact in the report of the Commissioners, and the order of the Council adopting said report.

2. Various errors of law in the proceedings and reports of the Commissioners and of the Council.

The petitioner also prays that the technical rules of law should not be applied to her case.

To comply with the last prayer of the petitioner is evidently out of the power of the Council, for only in strictly complying with all the technical rules of law has the Council any power to reconvert into private property what has once been a public street, alley, place or common.

If the proceedings of the Commissioners, and of the Council, in opening said street, were valid, then the 30 feet of the north side of out-lot 174 are now a part of a public street, and the Council has no right to reconvert them into private property by a simple vote of reconsideration. This point has been fully settled, in a similar application in reference to McNabb street, and afterwards with reference to Blackford street.

Agrieved parties have their remedy by an appeal to Court, by which the regularity of the proceedings, and the question of damages can be tested. Of *this* remedy the petitioner failed to avail herself.

If, on the other hand, the proceedings for opening said street were so irregular and illegal as to make them a nullity, we consider it incumbent upon the petitioner to establish this fact by a proceeding in court, rather than to call upon Council to pass judgment upon the legality of their own proceedings. For in no case could the decision of the Council in such a matter be final; and we might become liable as obstructors of a public street, through a mere error of judgment—that is, if we decided our own proceedings illegal and void, while a court might hold them sufficiently regular and valid.

The committee recommended, therefore, that the precedent set in the case of Blackford street be followed in this instance, and that the prayer of the petitioner be not granted.

S. A. COLLEY,  
A. SEIDENSTICKER, } *Committee.*  
W. H. LOOMIS,

Which, on motion, was concurred in.

By Dr. Jameson, from Finance Committee:

INDIANAPOLIS, January 22, 1866.

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

Your Committee, to whom was referred the communication of Mr. Hadley, would respectfully report with the recommendation that S. P. Strong, H. P. Raudall, Nelson Hoss and G. F. Henning be confirmed as Deputy City Assessors.

P. H. JAMESON, } *Committee.*  
C. F. SCHMIDT,

On motion, the report was concurred in, and the nominations confirmed.

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

INDIANAPOLIS, January 22, 1866.

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

The Committee on Streets and Alleys report the following ordinance in compliance with the prayer of this petition.

AUSTIN H. BROWN,	}	<i>Committee.</i>
P. H. JAMESON,		
HENRY COBURN,		

Also, general ordinance No. 32, entitled:

AN ORDINANCE amendatory of the 1st section of "An ordinance to amend section 1st of an ordinance entitled 'An ordinance concerning the prevention of fires, passed November 30, 1863,'" passed April 3d, 1865,

On motion, the report was received, and the ordinance laid over without reading.

Mr. Kappes, from the Select Committee appointed for that purpose, reported general ordinance No. 33, entitled:

AN ORDINANCE prescribing the duties of City Auditor, and such other officers as are affected by the creation of that office, and regulating other matters properly connected therewith.

Which was read the first time, and, on motion, was referred to the City Attorney, City Clerk, City Treasurer, City Civil Engineer, and the City Auditor elect, as a Special Committee.

And, on motion, said Committee were instructed to request the County Auditor to meet with them as an advisory member.

From the City Attorney—Report:

INDIANAPOLIS, January 22, 1866.

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

GENTLEMEN:—I have examined the title to the real estate proposed to be conveyed to the city by Mr. James H. McKernan. I have now in my possession a release of a certain mortgage, and as soon as this is put on record the title will be good.

Respectfully,  
B. K. ELLIOTT, *City Attorney.*

Which, on motion, was concurred in, and the matter referred to the Committee on Accounts and Claims, with instructions to embrace in next ordinance allowing accounts an amount sufficient to pay for the ground as aforesaid in city orders.

From the City Civil Engineer—Report:

INDIANAPOLIS, January 22, 1866.

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

The Civil Engineer would respectfully report that the contract and bond of Messrs. Huffer & Carr for grading and graveling the sidewalks on Fletcher's

Avenue, between Noble and Cedar streets, has been made out and properly signed up, and is herewith submitted for your approval.

Also, that the contract and bond of Messrs. Catterson and Williams, for grading and graveling Union streets and sidewalks, has been properly made out and signed up, and is also submitted for your approval.

Bids for various street improvements are also submitted.

Respectfully,

JAMES WOOD, *Civil Engineer.*

On motion, the report was received, and the contracts and bonds accepted and approved.

On motion, the sealed proposals, reported by the Civil Engineer, were opened, read and referred to the Board of Public Improvements.

#### From the Street Commissioner—Report :

INDIANAPOLIS, Jan. 22, 1866.

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

The undersigned, having been instructed to examine and clear out the culvert at the intersection of Alabama street and Virginia avenue, respectfully reports that said culvert has been examined and does not need cleaning; but that it is entirely too small to carry off the volume of water led to it. The size of said culvert is 2 feet by 16 inches. It ought to be at least 4 feet by three feet. Respectfully,

AUGUST RICHTER, *Street Commissioner.*

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

#### From the City Clerk—Report :

OFFICE OF CITY CLERK,  
Indianapolis, Jan. 22, 1866. }

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

GENTLEMEN:—I would respectfully report to your honorable body that affidavits have been filed with me for the collection of street assessment, by precept, as follows, to-wit:

James Stewart against W. Y. Wiley, for	- - - - -	\$295 52
Thomas Dorsey against I. & C. R. R. Co.,	- - - - -	41 04
Herman Timmerman against C. M. Veatch,	- - - - -	28 86
John Stumph against William H. Turner,	- - - - -	403 96

And would recommend that you order precepts to be issued.

Respectfully,

C. S. BUTTERFIELD, *City Clerk.*

Which, on motion, was concurred in, and Precepts ordered.

#### From the City Treasurer—Report :

OFFICE AND SALESROOM OF ASHER & Co. }  
Indianapolis, Ind., January 22, 1866. }

*Dr. Jameson, President Finance Committee :*

We agree to furnish the City Council with a plat book of the city, each square and out-lot to occupy a page two feet square, with the opposite page

to contain the names of the owners, and to be ruled as per directions of the City Clerk, so that a record can be kept of the transfers, also the value of the lots and the value of improvements; the book to be bound in a substantial manner and delivered to the city for the sum of \$600 (six hundred dollars), in city orders, at our earliest convenience.

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

ASHER & ADAMS.

Which, on motion, was referred to the Judiciary Committee, with instructions to draw up a contract.

The order of business being called for ordinances on their third reading, general ordinance No. 24, entitled :

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

Was taken up on second reading, and sundry amendments offered, and adopted.

Mr. Brown moved to fill the blank in the 2d section, fixing the capital stock of said Company, with \$350,000.

Mr. Grosvenor moved to fill the blank with \$300,000.

The motion to fill the blank with the smallest sum being first in order under rule 17 of the Council,

The question was put, shall the blank be filled with \$300,000 ?

The ayes and noes were called for.

Those who voted in the affirmative were Councilmen Coburn, Fletcher, Glazier, Grosvenor and Kappes—5.

Those who voted in the negative were Councilmen Allen, Brown, Colley, Emerson, Jameson, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—11.

So the motion to fill the blank with \$300,000 did not pass.

The question then being on the adoption of the motion to fill the blank with \$350,000, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Allen, Brown, Colley, Emerson, Fletcher, Glazier, Jameson, Lefever, MacArthur, Schmidt, Seidensticker and Staub—12.

Those who voted in the negative were Councilmen Coburn, Grosvenor, Kappes and Loomis—4.

So the motion to fill the blank with \$350,000 was adopted.

The ordinance was then read the third time, as amended, and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Geosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—15.

Councilman Allen voting in the negative—1.

So the ordinance passed.

#### UNFINISHED BUSINESS.

By Mr. Seidensticker :

*Resolved*, That Mr. Langsdale, the Township Trustee, who is now taking a census of the voters of Centre township, be authorized to take a census of all the inhabitants of the city, and separately of the additions to the city, east, west, north and south; *Provided*, He undertakes to perform said additional work at a consideration not exceeding \$500.

The question being on the passage of the resolution, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Schmidt, Seidensticker and Staub—13.

Those who voted in the negative were Councilmen Allen, Loomis and MacArthur—3.

So the resolution passed.

Mr. MacArthur moved—

That R. B. Emerson be permitted to grade, at his own expense, the alley running north and south through square fifty-one, and also a portion of the alley running east and west through the same square; said grading to be done under the supervision of the Civil Engineer.

Which motion prevailed.

By Mr. Kappes—Petition :

INDIANAPOLIS, January 22, 1866

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

GENTLEMEN:—We, the undersigned, property-holders and business men, doing business on the south side of Washington street, between Delaware and Alabama streets, do most respectfully petition your honorable body to remove the standing of teams on the north side of Washington street, between the above streets, for the purpose of selling wood, hay, &c., as it is

detrimental to our business in many ways, and finally becomes a nuisance. By doing so you will confer a favor on many friends.

George Lowe,	Voegtle & Metzger.
Cabinet Makers' Union,	Krauss & Gall,
H. Ingass,	And 15 others.

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

Mr. Kappes moved—

That the City Assessor be, and is hereby, requested to make his appraisal of real estate to correspond with the cash value of such property assessed.

Which motion was adopted.

On motion of Mr. Seidensticker, the Council adjourned.

Present at roll-call on adjournment: Councilmen Allen, Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Lefever, Loomis, MacArthur, Schmidt, Seidensticker and Staub—16.

JOHN CAVEN, *Mayor*.

ATTEST:

C. S. BUTTERFIELD, *City Clerk*.