

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, JULY 30TH, 1866, 7½ 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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, McNabb, and Seidensticker—12.

Absent—Councilmen Allen, Kemker, MacArthur, Schmidt, Staub and Thompson—6.

The proceedings of the regular session held July 16, 1866, and of the called session held July 19, 1866, and of the regular session held July 23, 1866, were read and approved.

By Dr. Jameson—Petition :

INDIANAPOLIS, July 30, 1866.

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

The undersigned respectfully petitions your honorable body for permission to grade, pave and curb the sidewalk in front of his storeroom, on New Jersey street, between North and St. Clair streets.

J. E. LUDLUM.

On motion, the prayer of the petitioner was granted and the City Civil Engineer directed to set the grade stakes.

By Mr. Glazier—Petitions :

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—The undersigned obtained from your honorable body certain estimates for the erection and furnishing of lamps and lamp-posts for gas, one of which was for Circle street, between East and West Market street, which contained an assessment against the State of Indiana for \$92.55 ; another for Mississippi street, between Washington and Ohio streets, the assessment against the State of Indiana being \$129.20. Total of the two being \$221.75.

Upon application to the Auditor of State, we were informed that the Legislature had not appropriated any money for such claims. We, therefore, pray your honorable body to allow us from the City Treasury the amount as set forth in such estimate, justice and equity demanding it at your hands.

Very respectfully, your obedient servants,

COULTER & WHITE.

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

By Mr. MacArthur—Petition :

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—The undersigned respectfully petitions your honorable body to permit him to erect a lamp-post at the corner of Ohio and Mississippi streets, and that the Civil Engineer may be directed to designate the proper place for said lamp-post. Your petitioner respectfully represents that he proposes to erect said lamp-post under the direction and supervision of the Civil Engineer.

SAMUEL TAGGART.

On motion, the prayer of the petitioner was granted.

By Mr. Kappes—Remonstrance :

INDIANAPOLIS, July 30, 1866.

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

The undersigned, owners of property on the west side of Delaware street, between Ohio and St. Clair streets, respectfully remonstrate against the passage of an ordinance, now pending in your honorable body, for the paving with brick of the sidewalk on said street within the limits named. The large number of public improvements now making has the tendency to advance contract prices, which, added to the present high rates for material and labor, will make it particularly oppressive to some of us at this time. We believe that the work can be done next year much cheaper than now, and much more to the convenience and interests of those on whom the cost of it will fall. We are not opposed to making the contemplated improvement when it can be done without such pecuniary hardship as will be entailed by it at the present time. We, therefore, request your honorable body to postpone further action on the ordinance until a future time, when the prices of material and labor will justify.

Jane Gillespie,
S. F. Smith,
Barton D. Jones,

Laz. Noble,
James C. Yohn,
And 15 others.

The six signatures included in the ordinance embrace less than 2,400 feet

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

Mr. Loomis—Petition :

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—The undersigned respectfully represents to your honorable body that she is the owner of a certain lot lying on the north side of Stevens street, and on the west side of Virginia Avenue, the north line of Stevens street being the south line of said lot for the distance of 190 feet. She, also, respectfully represents that said Stevens street was ordered to be graded and graveled by your honorable body, and the contract awarded to O'Connor & Dorsey, who proceeded to grade and gravel said street, but, in doing so, has graded and graveled about seven feet in width of said lot, as if it was a part and parcel of said street; for the truthfulness of the assertion your attention is directed to the report of the Board of Street Improvements in regard to said street reported to your honorable body during the month of July; also, to the survey of Engineers Brown and Cunningham, who were so directed by your body. Also, I respectfully represent to your honors that a precept has been ordered to issue, by your body, against me to compel a payment of money to pay for said street improvement. In consideration of the above facts I respectfully pray your body to rescind your order for the issuing of a precept for said collection, and order the Board of Street Improvements to examine into the above facts with a view of reporting to your honors such information as will enable you to correctly understand the question. I also respectfully request that the damages sustained by me in removing my fencing, appropriating my property, etc., be allowed me without a delay greater than is absolutely required to obtain all the information possible in regard to the matter.

Feeling satisfied that your honorable body will do me justice, I respectfully subscribe myself, your obedient servant,

MARY R. GILMORE.

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

By Mr. Loomis—Petition :

INDIANAPOLIS, July 30, 1866.

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

We, the undersigned, citizens of the City of Indianapolis, and property holders on Virginia Avenue, between Cedar and Elk streets, would respectfully ask of your honorable body the privilege of graveled our own sidewalks between the streets aforesaid, (on the east side,) under the direction of the City Civil Engineer.

Christ. Iske,
David Hoss,
H. Rodewald,

John Brennan,
Henry Backemeier,
And 2 others.

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

By Mr. Grosvenor—Petition :

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—In view of the contemplated erection of a Cathedral on Tennessee street, I desire to submit the following:

My own residence fronts Tennessee street, on the corner of the alley south of Maryland street. The excavation for the above mentioned Cathedral is

on the south side of said alley. The measurements for this building were given some weeks since by the late Civil Engineer of this city, Mr. James Wood, and though his attention was called to an error therein no change was deemed advisable.

The error consists in this—the lots running back from Maryland and Georgia streets to the alley are each 195 feet deep, leaving the alley $29\frac{1}{2}$ feet wide, $\frac{1}{2}$ foot less than required by the city plat. The late Civil Engineer's measurement has made the alley still narrower, thereby giving to the lot running back from Georgia street to the alley $195\frac{1}{2}$, or nearly 196 feet.

The east end of the alley on Illinois street measures only 27 feet 8 inches wide.

The late Civil Engineer refused to make any alteration, or call the attention of the Council to this matter, and the present incumbent feeling that it is not his duty to interfere with measurements that have been established more by custom than otherwise, I have thought it my duty to direct your attention to the same for the good of the city and the benefit of my own property. Respectfully submitted,

O. M. WILSON.

Which, on motion, was referred to the City Civil Engineer, with instructions to make the proper surveys.

By Mr. Grosvenor—Petition :

INDIANAPOLIS, July 27, 1866.

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

GENTLEMEN:—We, the undersigned, owners of real estate on Norwood st., between Tennessee and Illinois streets, respectfully petition your honorable body to pass an ordinance for the grading and graveling of said street and sidewalks, between the points aforesaid, with good pit gravel, 20 feet in width in the center of the street, 12 inches in depth in the center, and sloping to 6 inches at either edge; and the sidewalks 6 inches in depth and of the same quality of gravel, and in duty bound your petitioners will ever pray.

John W. Byrkit,

Thomas Wren,

John S. Spann,

S. B. Morris,

John Morton,

J. Grube.

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

Mr. Loomis moved—

That William Richter be allowed to lay a stone sidewalk in front of his property on Virginia Avenue, between Bradshaw and McCarty streets, under the direction of the City Civil Engineer.

Which motion was adopted.

Mr. McNabb moved—

That the Street Commissioner repair the foot bridge across the Canal on Merrill street.

Which motion was adopted.

Dr. Jameson moved—

That the City Engineer be directed to examine without delay the grading and graveling lately done on Walnut street, between Alabama and East sts., and report whether the same has been done according to contract.

Which motion was adopted.

Mr. Brown moved—

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

Which motion was adopted.

Mr. Schmidt moved—

That Mr. John Steinmetz be allowed to grade one half of the alley adjoining his property, south side of lot No 17, in out-lot 101, said alley running east and west and extending into East street, water doing damage to his property by heavy rains.

Which motion was adopted.

Mr. McNabb moved—

That the Street Commissioner open the gutter on West street, between the Terre Haute Railroad track and Kentucky Avenue.

Which motion was adopted.

Mr. McNabb moved—

That the Street Commissioner open the gutters on West street, between Maryland and Georgia streets.

Which motion was adopted.

Mr. Kappes moved—

That the Street Commissioner be instructed to clear away the rubbish on the corner of North and Alabama streets.

Which motion was adopted.

Mr. Loomis introduced an ordinance entitled :

AN ORDINANCE relative to the granting of a yearly license to Norton & Co., for a variety show at "Capital Garden," on the south-west corner of Kentucky Avenue and Tennessee street in the City of Indianapolis,

Which was read the first time, and, on motion, was referred to the Committee on Revision of Ordinances.

Dr. Thompson introduced general ordinance No. 63, entitled :

AN ORDINANCE to establish the office of City Measurer, and regulate the same,

Which was read the first time, and, on motion, was referred to the Committee on Revision of Ordinances.

Mr. Glazier introduced general ordinance No. 64, as follows, to-wit:

AN ORDINANCE relative to the sale of fresh meat in the Markets of the City of Indianapolis.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That it shall be unlawful for any person to sell, offer, or expose for sale in the Markets of said city, fresh meat in a less quantity than a quarter, unless such meat is sold, offered and exposed for sale in the stall of the Market House duly leased from the city, or the same amount of rent paid stalls in the inside of the Market House has first been paid.

SEC. 2. Any person or persons violating any of the provisions of this ordinance shall be fined in any sum not less than one nor more than fifty dollars for each and every offense.

SEC. 3. This ordinance shall be in force from and after its passage and publication for one day each week, for two successive weeks, in the Indianapolis Daily Journal.

Ordained and established this 30th day of July, 1866.

JOHN CAVEN, Mayor.

Attest:

C. S. BUTTERFIELD, City Clerk.

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

Mr. Glazier then 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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the ordinance passed.

Mr. Loomis introduced general ordinance No. 65, as follows, to-wit:

AN ORDINANCE prohibiting persons from personating policemen, and prohibiting interference with arrests.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That any person who shall falsely personate a police officer, or who shall falsely represent himself to be a police officer, or who shall wrongfully act as

such an officer, shall be fined in any sum not exceeding one hundred dollars, and imprisonment not exceeding 30 days.

SEC. 2. That any person who shall wrongfully interfere with any policeman or officer of said city, while making an arrest, shall be fined in any sum not exceeding one hundred dollars.

SEC. 3. This ordinance shall be in force from and after its passage and publication in the Indianapolis daily Journal for one day in each week for two consecutive weeks.

Ordained and established this 30th day of July, 1866.

JOHN CAVEN, *Mayor*.

Attest:

C. S. BUTTERFIELD, *City Clerk*.

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

Mr. Loomis 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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—15. Noes, none.

So the ordinance passed.

Mr. Grosvenor moved to reconsider the vote by which the ordinance granting a yearly license to Norton & Co., was referred to the Committee on Revision of Ordinances.

Which motion was adopted.

The ordinance was then taken up.

Mr. Brown moved to amend by striking out the words "yearly license," and inserting the words "weekly license," in the first section of the ordinance.

The question being on the adoption of the amendment, the ayes and nays were called for.

Those who voted in the affirmative were Councilmen Brown,

Coburn, Emerson, Kappes, McNabb, Schmidt, Seidensticker and Staub—8.

Those who voted in the negative were Councilmen Colley, Fletcher, Glazier, Grosvenor, Jameson, Loomis, MacArthur and Thompson—8.

There being a tie vote, His Honor, the Mayor, voted in the affirmative: being ayes 9, noes 8.

So the amendment was adopted.

Mr. Brown moved to amend by striking out the words "fifty dollars, for each six months," in section second, and insert in lieu thereof, the words "one-half the usual rates of such license,"

Mr. Colley moved to amend Mr. Brown's amendment by striking out the words "one-half the usual rates of such license," and inserting in lieu thereof, the words "two dollars per week."

The question being on the adoption of the amendment to the amendment, the ayes and noes were called for.

Those who voted in the affirmative were Councilmen Colley, Emerson, Fletcher, Glazier, Jameson, Loomis, MacArthur and Thompson—8.

Those who voted in the negative were Councilmen Brown, Coburn, Grosvenor, Kappes, McNabb, Schmidt, Seidensticker and Staub—8.

There being a tie vote, His Honor, the Mayor, voted in the negative, making ayes 8, noes, 9.

So the amendment to the amendment was not adopted.

Mr. Brown's amendment was then adopted.

The ordinance was then read the second time as amended.

Mr. Loomis then 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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—16. Noes, none.

So the rules were suspended and the ordinance, as amended, was read the third time, as follows, and placed upon its passage:

AN ORDINANCE relative to the granting of a license to Norton & Co. for a Variety Show, at "Capital Garden," on the south-west corner of Kentucky Avenue and Tennessee street, in the City of Indianapolis.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis,* That a weekly license be issued to Messrs. Norton & Co. for a Variety Show at "Capital Garden," situated on the south-west corner of Kentucky Avenue and Tennessee street, in the City of Indianapolis.

SEC. 2. The City Clerk is hereby authorized to issue such license for one week in advance on the payment of one-half the usual rates of such license, to be paid in advance to the City Treasurer, upon whose receipt the City Clerk shall issue such license.

SEC. 3. The Common Council may revoke the terms and conditions of this ordinance, at their own discretion, and repeal the same upon the payment back of the amount due on unexpired term of any license issued under the provisions of this ordinance.

SEC. 4. This ordinance shall be in force and take effect from and after its passage.

Ordained and established this 30th day of July, 1866.

JOHN CAVEN, *Mayor.*

ATTEST:

C. S. BUTTERFIELD, *City Clerk.*

The question being on the passage of the ordinance, those who voted in the affirmative were Councilmen Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—15.

Councilmen Brown voting in the negative—1.

So the ordinance passed.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, July 30, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that they have examined the petition of Daniel Thayer to grade and gravel the alley in rear of his property on Market street, and find that there is a contract for its improvement, and would therefore recommend that he be not allowed to grade and gravel.

H. COBURN,
J. A. GROSVENOR, } *Board:*
JNO. B. MACARTHUR. }

Which, on motion, was concurred in.

By Mr. Coburn, from the Board of Public Improvements.

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, July 30, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that the petition for the grading and graveling of the sidewalk on the south side of Kentucky

Avenue, between the west line of Tennessee street and the south side of Georgia street, and herewith submit an ordinance for the same.

HENRY COBURN,
J. A. GROSVENOR,
JOHN B. MACARTHUR, } *Board.*

Also special ordinance No. 83—1866, entitled :

AN ORDINANCE to provide for grading and graveling the south sidewalk of Kentucky Avenue, between Tennessee street, and the south side of Georgia street,

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

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, July 30, 1866. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the matter was referred, would respectfully report to your honorable body that they would recommend that the petition of William Stolte should not be granted, for the reason that your committee do not think it proper for the city to go back of the appraisalment of the Commissioners.

HENRY COBURN,
J. A. GROSVENOR.
JNO. B. MACARTHUR, } *Board.*

Which, on motion, was concurred in.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, July 25, 1866. }

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

GENTLEMEN:—We find the following persons the lowest bidders, and would recommend that contracts be awarded them :

1st. Samuel C. Adams, to grade and pave the east sidewalk of Delaware street, between the first alley south of Ohio street and Ft. Wayne Avenue, for 78 cents per lineal foot front.

2d. J. & J. Huffer, to gravel the west sidewalk of East street, between Louisiana street and Virginia Avenue, at 28 cents per foot front.

3d. O'Connor & Dorsey, to bowlder the alley running north and south through square No. 66, for 72½ cents per lineal foot front.

4th. William Belcher, to grade Huron street, between Cedar street and Corporation line, for 17½ cents per lineal foot front, each side.

5th. John Kennedy, to grade and gravel Michigan street and south sidewalk, between Meridian and Pennsylvania streets, for 48 cents for north side, and 96 cents for south side.

6th. We have awarded to Naltner & Bloom the contract to dig a new channel for Virginia river west of Virginia Avenue, for 35 cents per cubic yard.

7th. C. E. Whitsit bids to construct a sewer for Virginia river, west of Virginia Avenue, for \$8.20 per lineal foot; but the Board having contracted with other parties for the digging of the channel, we recommend that the bid of Whitsit be rejected.

HENRY COBURN,
J. A. GROSVENOR, } Board.
JNO. B. MACARTHUR,

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

By Mr. Coburn, from the Board of Public Improvements.

INDIANAPOLIS, July 28, 1866.

To the Chairman of Board of Public Improvements:

We respectfully submit the following report of the survey of out-lots 178, 179, 180 and 181:

It appears that in the sub-division of out-lot 178, the measurement was commenced $4\frac{1}{2}$ feet too far east, and extended $4\frac{1}{2}$ feet into out-lot 181.

There is an error of 3 feet in the measurement of out-lot 180 from east to west. This causes an offset of 3 feet in East street.

According to the original plat of the city, out-lot 179 lies immediately north of out-lot 178, and is of the same length east and west. Now 178 is located $4\frac{1}{2}$ feet further east than 179, which causes another offset in East street.

The main cause of the difficulty in out-lot 181 arises from the incorrect location of 178.

There is ground enough between New Jersey street and Massachusetts Avenue for all of property divided. At present the streets in some places encroach on the lots, and in other places the lots encroach on the streets. We did not establish all the street crossings in these out-lots, thinking it best to defer this until the Council would devise some plan for removing the difficulty.

J. W. BROWN.

Mr. Seidensticker moved—

That the report of Mr. Brown be referred to a committee consisting of the City Civil Engineer, Mr. J. W. Brown, and Mr. D. B. Hosbrook, with instructions to report a plan for remedying the irregularities in the measurement of out-lots 178, 179 and 181.

Which motion was adopted.

By Mr. Seidensticker, from Judiciary Committee:

INDIANAPOLIS, July 30, 1866.

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

The Judiciary Committee, to whom was referred the following Preamble and Resolution:

WHEREAS, An estimate was certified to John Stumph, contractor, for grading and bowldering Circle and Market streets, between Pennsylvania and Illinois streets, and Meridian street, between Washington and Ohio streets, and curbing the outer edges of the sidewalks with stone; and in said estimate certain real estate was assessed against Wm. H. Turner, and which is described as follows, to-wit: Lot ten (10), in square forty-six: AND WHEREAS, An error was made in said estimate in assessing said real estate against Wm. H. Turner, the said real estate being then owned by Carlin Hamlin, as shown by the records of the county of Marion: Therefore,

Be it resolved, That said estimate be corrected and amended so as to assess the aforesaid real estate against Carlin Hamlin, the proper owner, and that

the Engineer be, and is hereby, directed to report to this Council, at the next regular meeting, an amended and corrected estimate as aforesaid, and that all proceedings upon the precept issued upon the estimate first aforesaid be set aside.

Report that they have found the facts as stated in said Preamble, and they recommend the passage of said Preamble and of said Resolution with a verbal amendment, as follows :

WHEREAS, An estimate was certified to John Stumph, contractor, for grading and bowldering Circle and Market streets, between Pennsylvania and Illinois streets, and Meridian street, between Washington and Ohio streets, and curbing the outer edges of the sidewalks with stone; and in said estimate certain real estate was assessed against Wm. H. Turner, and which is described as follows, to-wit: Lot ten (10), in square forty-six: AND WHEREAS, An error was made in said estimate in assessing said real estate against William H. Turner, the said real estate being then owned by Carlin Hamlin, as shown by the records of the county of Marion: Therefore,

Be it resolved, That so much of said estimate as refers to the aforesaid real estate be, and is hereby, rescinded, and the Engineer is hereby directed to report to this Council, at the next regular meeting, an amended and corrected estimate, assessing said real estate against Carlin Hamlin, and all proceedings upon that part of said first estimate, and upon the precepts issued thereon, hereby repealed, are hereby set aside.

Respectfully,

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

The question then being on the passage of the preamble and resolution embraced in the report, those who voted in the affirmative were Councilmen Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—16. Noes, none.

So the resolution passed.

By Dr. Jameson, from Finance Committee :

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—The Finance Committee, to whom was referred the claim of \$400 of Cyrus S. Butterfield, for making tax duplicate of 1865, and the claim of \$462.50 of William Hadley, for amount paid his deputies on the assessment of 1866, respectfully report an ordinance for their allowance.

There were two other claims referred to your Committee by Mr. Butterfield, amounting to the sum of \$190.00, which your Committee now present to you for your action.

Respectfully,

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

On motion so much of the report as relates to the claims reported upon and recommended to be allowed, was concurred in, and so much as relates to the claims referred back to Council was laid over for the present.

Also, the following ordinance, to-wit:

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 City Treasury not otherwise appropriated as follows, to-wit:

C. S. Butterfield, making Tax Duplicate of 1865.....	\$400 00
William Hadley, Deputy hire for 1866.....	462 50
Total.....	\$862 50

SECTION 2. The City Auditor 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 1st of this Ordinance.

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

Ordained and established this 30th day of July, 1866.

J. CAVEN, *Mayor.*

Attest:

C. S. BUTTERFIELD. *City Clerk.*

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

Dr. Jameson then 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 Brown, Coburn, Colley Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—16. 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 Brown, Coburn, Colley, Emerson, Fletcher, Glazier, Grosvenor, Jameson, Kappes, Loomis, MacArthur, McNabb, Schmidt, Seidensticker, Staub and Thompson—16. Noes, none.

So the ordinance passed.

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

INDIANAPOLIS, July 30, 1866.

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

The Committee on Streets and Alleys, to whom was referred a motion relating to placing the names on street corners, beg leave to report the following ordinance.

AUSTIN H. BROWN,
Chairman Committee on Streets and Alleys.

Also, the following entitled ordinance :

AN ORDINANCE providing for the painting of the names of the streets on sign boards, and for placing the same at the street corners of the City,

Which was read the first time, and, on motion, was, with the pending amendments, referred back to the Committee.

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

INDIANAPOLIS, July 30, 1866.

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

The Committee on Streets and Alleys, to whom was referred the communication of Wm. H. English, Treasurer of the Citizens' Street Railway Company, beg leave to report that they have given the subject careful consideration. They find that this Company has more than kept faith with the Council in the requirements of its Charter as to constructing a certain number of miles of railway within a given time, and as to the quality of the cars and stock used in operating the road. In fact, a greater number of miles of track has been laid than required, and the cars and stock used are equal to those provided in any city.

Your Committee find that as extensions of lines of Street Railway have been made, the price of real estate in the vicinity of the extensions has been greatly enhanced, and thus thousands of dollars of increased taxables have been added to the City's Tax Duplicate. In many parts of the city these lines are of great convenience and are almost indispensable, while the citizens, generally, are enabled to go by an easy and quick mode of conveyance from one part of the city to another. Of course the occupancy of a portion of the street with the tracks causes some inconvenience to the passage of vehicles, but this inconvenience was expected when the Charter was granted. It is believed, however, that such inconvenience is not to be compared with the corresponding benefits derived, and they are, certainly, much less in this city than in others where the streets are much narrower.

The Charter requires that the space between the rails and two feet on each side shall be bowldered, and in view of the fact of a pending contract for bowldering a portion of West Washington street, the question is raised by the managing officers of the Company whether the interests of the city and the private rights of citizens cannot be subserved by the Council yielding, for the time being, the strict enforcement of this requirement, so far as relates to bowldering between the rails. There is no controversy as to the two feet outside of the rails, the Company having arranged with the contractors to have that part done by them on the portion of the street referred to. It is thought by the Company that if the space between the rails be well graveled, or covered with cinders from the Rolling Mill, that the tracks can be as easily crossed by vehicles as if the same were paved with bowlder stones. The bowlder pavement, the Company claim, is exceedingly injurious to the animals used in operating the road, and they ask that the Council relieve them, for the present, from being compelled to lay such a pavement between the rails, pledging themselves to gravel or cinder the space in such manner as will allow the crossing the track with vehicles as easy as if the space were bowldered.

While your Committee would not recommend the Council to take any action that would interfere with private rights, or which might relieve the Company, permanently, from the requirement of its Charter, they are of opinion that in view of the benefits already received, and to be hereafter received, by the extension of these lines of railway, that, with the exception of Washington street, the strict enforcement of the requirements as to bowldering between the rails, except on bowldered streets, might be dispensed with until the Common Council may, in its discretion, see fit to require such work to be done, and that graveling or cindering between the tracks be substituted,

the same to be done to the satisfaction of the Street Commissioner. They, therefore, recommend that the City Attorney be directed to prepare an order or ordinance and submit the same to the Council at its next meeting granting the privilege named, and that he so word it as to not bear the construction that the city has yielded any right she may now have under the ordinance chartering the Citizens' Street Railway Company.

AUSTIN H. BROWN,
Chairman Committee on Streets and Alleys.

On motion the report was concurred in.

Mr. MacArthur then offered the following motion on the subject:

That the Street Commissioner be instructed to notify the Superintendent of the Citizens' Street Railway Company to bowlder, between the track on Washington street between the Canal and the first alley west of West street.

Which motion was adopted.

By Mr. Seidensticker, from Committee on Revision of Ordinances:

INDIANAPOLIS, July 30, 1866.

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

Your Committee, to whom was referred the petition of John Stewart and others, praying for a change in the Hack Ordinance, respectfully report, that there is now upon the files of the Council an amended Hack Ordinance, which was previously reported by your Committee under special instructions of the Council, which complies with the prayers of the petitioners. We recommend that said ordinance be taken up and disposed of, which will also dispose of the petition.

AD. SEIDENSTICKER, }
S. A. COLLEY, } *Committee.*
P. H. JAMESON, }

Which, on motion, was concurred in, and the consideration of the ordinance postponed.

By Mr. Seidensticker, from Committee on Revision of Ordinances:

INDIANAPOLIS, July 30, 1866.

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

Your Committee, to whom was referred the within ordinance for the widening of the sidewalks of Meridian street, respectfully report said ordinance back, with an amendment which they deem necessary to guard against a constructive repeal of the ordinance of sidewalks.

Your Committee, at the same time, would call attention to the fact that said street at this time is now under contract, and that unless the property holders and contractors unanimously agree to the proposed change, difficulties may arise as to the validity of the future assessment under said contract.

Respectfully,

AD. SEIDENSTICKER, }
P. H. JAMESON. } *Committee.*
S. A. COLLEY, }

On motion the report was concurred in, and the following entitled ordinance, to-wit:

AN ORDINANCE providing for increasing the width of sidewalks on north Meridian street,

Was read the second time as amended and laid over.

By Mr. Seidensticker, from Committee on Revision of Ordinances:

INDIANAPOLIS, July 30, 1866.

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

Your Committee, to whom was referred the petition of C. E. Geisendorff, asking for himself and customers to pass over sidewalks on the west side of Blake street, between National Road and Coffin's Pork House, respectfully report that said petitioner can secure himself the privilege desired by him under the existing ordinances, by procurting the planking or bowldering of said sidewalk. In no other manner could the prayer of the petitioner be granted, as the Council, in the opinion of your Committee, which is confirmed by the City Attorney, have no authority to grant exclusive or special privileges to any one on the public streets or sidewalks.

AD. SEIDENSTICKER, }
S. A. COLLEY, } *Committee.*
P. H. JAMESON, }

Which, on motion, was concurred in.

By Mr. Brown, from Select Committee :

INDIANAPOLIS, July 30, 1866.

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

The Select Committee on Rules beg leave to report the following as a substitute for the pending ordinance.

AUSTIN H. BROWN, }
P. H. JAMESON, } *Committee.*
AD. SEIDENSTICKER, }

Also, general ordinance No. 66, entitled :

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

Which was read the first time by its title and laid over.

From the Civil Engineer—Report:

INDIANAPOLIS, July 30, 1866.

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

The Civil Engineer would respectfully report the following contracts and bonds for your approval :

John Schier, for grading and graveling the alley running east and west, between Washington and Market, and Noble and Liberty streets.

Also, James Splain, for grading and graveling New York street and intervening spaces of the sidewalks, between Blackford and Blake streets.

Also, Messrs. Cogill, Smock & Cogill, for grading and graveling Meridian street, and curbing the outer edges of the sidewalks of same, and bowldering the gatters.

Also, Thomas O'Neale, for graveling the sidewalk on the east side of Meridian street, between Catherine and Merrill streets.

Also, Messrs. Cogill, Smock & Cogill, for grading Cedar street and sidewalks, between Huron street and the Donation line.

Also, Messrs. Cogill, Smock & Cogill, for grading Grove street and sidewalks, between Virginia and Fletcher Avenues.

Also, accompanying this report are bids for street improvements, &c.

Also, respectfully submit the enclosed letter from Charles J. M. Koster, Assistant Engineer.

Your most obedient servant,

JOSHUA STAPLES, Jr., *Civil Engineer.*

On motion the Contracts and Bonds reported by the Civil Engineer were accepted and approved.

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

The City Civil Engineer also submitted the following communication from the Assistant City Civil Engineer elect :

INDIANAPOLIS, July 30, 1866.

To Mr. STAPLES, City Engineer :

SIR:—With this I tender my resignation as Assistant Engineer.

Yours,

C. J. M. KOSTER.

Which, on motion, was laid on the table for the present.

From the City Auditor—Report:

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—The City Auditor would report to your honorable body that there is a pond of stagnant water on 33 feet east of 68 $\frac{3}{4}$ feet off the west end of lots 4 and 5, in out-lot 11, on the south side of South street, between Missouri and West streets, owned by Eugene McCarty.

Respectfully,

JOHN G. WATERS, *City Auditor.*

Which, on motion, was referred to the Councilmen from the 5th Ward.

From the City Auditor—Report:

INDIANAPOLIS, July 30, 1866.

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

Not knowing until only a few days ago of the passage of the following resolution on the 2d of July, 1866, I did advertise for proposals of sundry street improvements, but in the future will wait until all streets and alleys proposed to be improved are surveyed and profiles submitted for the same. If you wish me to advertise in the absence of any survey or profile being made, please so direct. I have furnished the lately elected Civil Engineer a copy of the resolution mentioned, which reads as follows. You will please direct me in the matter :

Resolved. That no street contract shall be let, or advertised to be let, until after the City Engineer shall have first surveyed said street and submitted a profile thereof, showing the width of such street, the excavations, and fills thereon, including the sidewalk on either side, all of which shall be fully set

forth in the advertisement, which shall be for a given sum per front foot on either side of such street, and not by the square yard.

Respectfully submitted,

JOHN G. WATERS, *City Auditor.*

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

From the City Clerk—Report :

OFFICE OF CITY CLERK, }
Indianapolis, July 30, 1866. }

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

The City Clerk would respectfully report to your honorable body that John Stumph has filed an affidavit for the collection of street assessment by precept, under a corrected estimate as reported by the City Civil Engineer in pursuance of a resolution passed by your honorable body, and approved June 25, 1866, in favor of John Stumph, contractor for grading and paving and graveling the sidewalks on Massachusetts Avenue, between Pennsylvania and New Jersey streets, for the sum of one hundred and forty-nine dollars, and four and ninety-three one hundred and eighth cents (\$149.04 93-108), assessed against lot number six (6) in Square number nineteen (19,) (except fifty (50) feet off the north end of said lot) owned by Kate M. Patterson, widow of James M. Patterson, William O. Patterson, George E. Patterson, Charles H. Patterson, James C. Patterson, Kate D. Patterson, David M. Patterson, Frances D. Patterson, minor heirs of James H. Patterson, deceased, and Mary A. W. Patterson; the first named persons being the owners in fee simple of said real estate, and Mary A. W. Patterson having a dower right therein, who are residents of the City of Indianapolis, and would respectfully recommend that you order precept to issue, as in such cases made and provided.

Respectfully,

C. S. BUTTERFIELD, *City Clerk.*

On motion the report was concurred in, and the City Clerk directed to issue the precept.

From the City Sexton—Report :

Report of the Sexton for the month ending July 30, 1866:

NO. OF INTERMENTS.

Under 1 year old.....	25
1 to 5 years.....	20
5 to 10 years.....	1
10 to 20 years.....	4
20 to 30 years.....	1
30 to 40 years.....	2
40 to 50 years.....	3
50 to 60 years.....	3
60 to 70 years.....	4
Total.....	63

G. W. ALLRED, *Sexton.*

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

From the City Attorney—Report:

INDIANAPOLIS, July 30, 1866.

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

GENTLEMEN:—I have, in compliance with a motion adopted at your last meeting, examined the contract with the Gas Company, and, in my opinion, section three requires the Gas Company to furnish service pipes.

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

Which, on motion, was concurred in.

On motion of Mr. Seidensticker the Council adjourned.

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

JOHN CAVEN, *Mayor.*

ATTEST:

C. S. BUTTERFIELD, *City Clerk.*