

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, JUNE 10TH, 1867, 7½ O'CLOCK, P. M. }

The Common Council met in regular session.

Present—Hon. Sims A. Colley, President *pro tem.*, in the chair,
and the following members :

Councilmen Brown, Burgess Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—16.

Absent—Councilman Cottrell—1.

The proceedings of the regular session held June 3d, 1867, and of the special session held June 5th, 1867, were read and approved.

Mr. Brown presented the following remonstrance :

INDIANAPOLIS, June 5, 1867.

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

The undersigned, owners of the property fronting New York street on both sides, the entire distance from Winston street east to the Corporation line, respectfully represent that we never petitioned your honorable body for the grading and graveling of that portion of New York street above described, nor do we now wish it done at our expense; that said street terminates at the Corporation line; is not used by the public, nor is it at present needed by the undersigned.

We therefore hereby respectfully remonstrate against the letting of the work now ordered done by the Council, and ask a repeal of the ordinance ordering it done, and as in duty bound your remonstrants will ever pray.

The Bellefontaine Railway Co., by E. King, Sec. and Treas.,
Edward, King, James W. Smelser,
E. S. Alvord.

Which was laid upon the table.

Mr. Burgess presented the following petition :

INDIANAPOLIS, June 10, 1867.

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

GENTLEMEN:—Myself, with others whom I represent, are the owners of out-lot 118, on which is located the pond of water commonly known as Lake McCarty. Formerly and naturally the water in this pond was pure and cool, did not stagnate, and was in no respect a nuisance. Some years ago the city having ordered Delaware street to be graded by what is universally condemned as unskillfull engineering, the water was carried south to the foot of the hill on Delaware street, and there being no outlet, some one, I do not know who, or by what authority, caused a ditch to be dug draining the water into said pond. This was not the natural outlet; indeed the pond itself had no outlet, and draining the water from Delaware street into it was done without the consent or knowledge of the owners, and was a trespass upon their property. As it seemed, however, to be a benefit to the property in that vicinity, and for the time being was not an immediate or serious damage to the owners, as the property was lying vacant, we permitted it to continue through a mere disposition to accommodate.

A large part of the south-eastern part of the city being drained into Delaware street, all the water and slops passing through the streets of that part of the city find their way into this pond, so that it has become a nuisance, and has been such for some time, and in order to drain it and lessen, if possible, the nuisance, last year, under an order of the Council, we deepened a drain made one year previously by the city, and extended the same to the south-west through, and cutting diagonally, a tract of land owned by us and suitable for building lots. To make such a drain a permanency where it now is, would render such property unsaleable for building lots, and occasion a very great damage to the proprietors. We permitted it so long through a mere indulgence to the public and regarding it only as a temporary expedient. I understand there is pending before your body a resolution requiring us to fill this pond. The pond is a nuisance, though not made so by the owners, yet it ought to be filled, and we are willing to do it. To fill it, however, leaving no drainage through and beyond it, would leave that part of the city without any drainage, and in the event of heavy rains would flood and greatly damage property in that vicinity.

The street was wrongfully drained into the pond in the first instance, but has not been resisted, and we are advised that should we fill the pond and voluntarily leave a drain through it and permit it so to remain, taken in connection with an apparent acquiescence in the former drainage into it, that in time these acts of liberality might grow into a claim of right and we become sufferers in consequence thereof. We are yet willing to do anything for the good or convenience of property owners in that vicinity, but would not be willing to prejudice our substantial rights in the matter. We do not wish, therefore, to cut off the drainage, by filling it entirely, for fear it would damage property in its vicinity, and yet do not feel that in justice to ourselves, that by leaving a drain through it as our own act, it should grow into a right against us, and be construed to our disadvantage. Some provision for permanent drainage should be made, and we think the matter could be accommodated to the best interests of all if we should fill it, leaving drainage through it, and so to remain for two years, and that the Council embrace as a

part of the resolution directing the filling, a declaration that should we, in filling, leave a drain across it for two years, that such an act shall not, nor shall the original construction of the drain into it, be construed or held to be a right of the city, but a mere act of indulgence on our part, and that after the expiration of two years we shall have the unquestioned right to fill up the drain. This will protect the neighborhood from overflow, give the city time to make the necessary drainage, and protect our right and our act from misconstruction.

We have endeavored to show that the condition of the pond was originally such that no drain or outlet was necessary, that it become a nuisance, and has been such for some time, not by the acts of the owners, but in consequence of it having been made, and now is, a receptacle for the water and slops that pass down Delaware and all the other streets of a large part of the south-eastern part of the city.

In view of these facts, we think the Council, at the expense of the city, should cause the drain, which is now partly filled up, to be cleaned out and deepened so as to place it in as good a condition as we, at our own expense, made it last summer, and also to maintain it, as nearly as possible in such a condition at the expense of the city during the two years. Within a reasonable time after it is so cleaned out and deepened, the owners, at their own expense, will fill the pond, but leave a drain through it, so that no standing pools of water shall remain. We feel that the city, in draining water across our private property, should construct and maintain the necessary drainage, as it is no advantage to us, but is some present damage to us, and so long as it remains will essentially interfere with the sale of our property.

We present herewith a declaration which we desire embraced in the resolution directing the fill of the pond to be made.

Respectfully submitted,

NICHOLAS McCARTY.

And resolved further, That in filling up said pond, if said owners will permit a drain to be left through and beyond it, and to remain two years, such act shall in no way be construed to be a claim of the city or a recognition on the part of the owners of the right of the city to such drain, and it is admitted that the original act of cutting a drain into said pond was without the knowledge or consent of said owners; and further, that its original construction, past and present existence, is admitted to be an act of accommodation on the part of the owners, and that the city does not and will not base any claim or pretension of right thereon, and at the end of two years, should the owners desire to fill said drain, the city will not interfere therewith, unless the city proceeds by a regular legal process of condemnation.

Which were referred to the Board of Public Improvements.

Mr. Davis offered the following motion :

That the Street Commissioner be and is hereby directed to fill the mud hole within the Corporation line, just west of Tennessee street, on First street.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the City Marshal be and is hereby directed to prevent the casting of offal in Potomac alley, and that the Street Commissioner be and is hereby directed to have said alley cleaned at the earliest possible period.

Which was adopted.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be and is hereby directed to place a sufficient amount of good, coarse gravel in the gutter at the intersection of Tennessee street and the first alley north of Pratt street, west side.

Which was adopted.

Mr. Davis introduced general ordinance No. 87, entitled :

AN ORDINANCE to regulate the sale of goods or merchandise by sample or card, within the City of Indianapolis,

Which was read the first time by its title, and passed to a second reading.

Mr. Geisel presented the following remonstrance :

INDIANAPOLIS, June 10, 1867.

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

GENTLEMEN:—Your petitioners would respectfully represent that they are owners and occupants of certain lots situated on both the north and south sides of Biddle street, and in the immediate vicinity thereof, in the eastern portion of this city, in the Ninth Ward; that the first alley north and first alley south of Biddle street, running parallel therewith, are the only means of ingress and egress that your petitioners have from their said properties in the rear; that the Bellefontaine Railway Company is the owner and occupant of about two hundred feet of property situated on said Biddle street, lying on the north and south sides of said street, immediately adjoining the eastern corporate limits of this city; that at the last meeting of your honorable body a petition was presented for your consideration by the said Bellefontaine Railway Company, asking that the city might vacate the said Biddle street and the said two alleys, from the west line of their ground, about two hundred feet west from the eastern corporate limits of the city to said eastern corporation line, to the sole use and occupancy of said Bellefontaine Railway Company, and that the said Company might be permitted to close up the said alleys and street at the western line of the said Company's grounds, before described.

Therefore we, the undersigned, your petitioners, most respectfully and urgently protest and remonstrate against the granting of said Company's petition, and the vacation of said alleys and street, by this city, for the reason that the said alleys are the only means of ingress and egress to and from our said lots, by which we convey all our fuel and produce to our houses, of which means of outlet we would be deprived and subjected to a very great inconvenience; and, further, that by the granting of the said petition to vacate, the value of our several properties will necessarily be very materially depreciated.

E. F. Heisemann,

Charles Buck,

Thomas McLaughlin,

F. W. Miller,

Fr. Wassebaum,

And 80 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Geisel presented the following petition :

INDIANAPOLIS, June 10, 1867.

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

We, the undersigned subscribers, petition your honorable body asking that Winston street may be continued from the north line of out-lot No. 45 to St. Clair street.

James Breen,
Russell Elliott,
Charles Harvy,

Levi Marshall,
John McGinnis,
And 65 others.

Which was referred to the City Attorney and City Commissioners.

Mr. Geisel, also, presented the following petition :

INDIANAPOLIS, May 28, 1867.

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

We, the undersigned, property holders on Broadway street, are desirous that the above named street should be of an equal width from St. Clair street to the city limits, and therefore request your honorable body to vacate as many feet, and in such manner, from St. Clair street, through the property upon which the Government stables were formerly situated, that said street should be straight and eighty feet wide to the Corporation line.

Orin Aborn,
M. G. J. Stern,
Isaac N. Line.

E. B. Dill,
Charles Roesener,

Which was referred to the Committee on Streets and Alleys.

Mr. Geisel offered the following motion :

That the Street Commissioner be instructed to fill up what is called the City Park, between Noble and Liberty streets, so as to prevent water from standing in said Park.

Which was referred to the Board of Public Improvements.

Mr. Goddard presented the following remonstrance :

INDIANAPOLIS, June 4, 1867.

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

GENTLEMEN :—We, the undersigned, citizens and property holders, earnestly protest against the building of that portion of the Indianapolis and Vincennes Railroad, within the corporate limits of the city, on the southern terminus of West street. The street is too narrow for a railroad and the public convenience, and a railroad cannot be constructed upon it without great detriment to that portion of the city.

Philip Kring,
Daniel Shehen,
Cornelius Collins,

Frederick Nordman,
William F. Barns,
And 28 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Goddard presented the following petition :

INDIANAPOLIS, June 3, 1867.

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

GENTLEMEN:—We, the undersigned citizens and residents in the vicinity, respectfully petition your honorable body to construct a suitable bridge across Pogue's Run at the crossing of Mississippi street, and as in duty bound your petitioners will ever pray.

Chas. G. Wilson,
W. Walton,
John W. Fultz,

Ernest M. Wolff,
L. A. Hall,
And 34 others.

Which was referred to the Committee on Bridges.

Mr. Goddard, also, presented the following petition :

INDIANALOLIS, June 10, 1867.

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

We, the undersigned, owners of lots and ground bordering on Kentucky Avenue, between the south side of South street and the river, respectfully request your honorable body to pass an ordinance to grade the Avenue and the sidewalks of the same, and gravel the center of said Avenue with good pit or river gravel.

his
James M. Stewart,
mark
Thomas L. Shepard,

Elijah W. Smith,
McKernan & Pierce,
McKernan, Pierce & Yandes,
White River Iron Co.

Which was referred to the Board of Public Improvements with instructions to report an ordinance.

Mr. Goddard introduced special ordinance No. 42—1867, entitled :

AN ORDINANCE to provide for the grading of Kentucky Avenue and sidewalks, and the graveling of the center of the street,

Which was read the first time by its title, and passed to a second reading.

Mr. Henschen offered the following motion :

That the Market Master and City Marshal are hereby directed to enforce all the provisions of the ordinance regulating the Markets within the City of Indianapolis, passed and approved November 30, 1863.

Which was adopted.

Dr. Jameson offered the following resolution :

Resolved, That the Treasurer be directed to advertise delinquent real estate for sale on the 16th day of August, 1867, and sell on the 6th of September thereafter.

The ayes and noes being taken under the Charter, those who voted in the affirmative were Councilmen Coburn, Goddard, Jameson, Loomis, MacArthur, Schmidt, Seidensticker, Stanton and Woodburn—9.

Those who voted in the negative were Councilmen Brown, Burgess, Davis, Geisel, Henschen and Kappes—6.

So the resolution was adopted.

Dr. Jameson offered the following motion :

That a copy of the resolution ordering the delinquent tax sale be published in the several city papers from the time of its passage to the day of advertisement of said delinquent property.

Which was adopted.

Dr. Jameson introduced special ordinance No. 43—1867, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures, complete, to burn gas, except the service pipe, on east street, between Massachusetts Avenue and St. Clair street,

Which was read the first time by its title, and referred to the City Attorney.

Dr. Jameson, also, introduced special ordinance No. 44—1867, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures, complete, to burn gas, except the service pipe, on East street, between Ohio and Washington streets,

Which was read the first time by its title, and passed to a second reading.

Mr. Loomis offered the following motion :

That the City Marshal is hereby instructed to enforce the provisions of the ordinance passed and approved April 17th, 1862, entitled "An ordinance to prevent and restrain the running at large in the City of Indianapolis of any swine," &c.

Which was adopted.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, June 10, 1867.

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

GENTLEMEN:—We, the undersigned, gardeners attending the city markets, respectfully petition your honorable body to have the possession of their old stands in the West Market, for the reason that they had bought the same from the late Market Master (C. John,) but unfortunately there was no record of such sale in the Clerk's office, and the present Market Master proceeded to sell the same stands since he has been in office to other parties.

We also pray that there be a strict enforcement of the ordinance prohibiting the purchase of vegetables, etc., during market hours by grocers, hucksters and other retailers, and that the ordinance be revised so as to embody all necessary restrictions, so as to enable us to have markets that

will compare favorably with any of the Western cities, and your petitioners will ever pray, &c.

JACOB TRAUB,
CHAS. B. RAST,
HENRY WEGHORST,
Committee of the Association in their behalf.

In relation to which Mr. Davis offered the following motion :

That the petition be referred to the Committee on Markets, and that they are hereby directed to present an ordinance to regulate the sale of provisions, meats and vegetables within the corporate limits of Indianapolis.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Burgess, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Stanton and Woodburn—13.

Those who voted in the negative were Councilmen Brown, Coburn and Seidensticker—3.

So the motion was adopted.

Mr. MacArthur presented a petition from Jacob Traub, C. Gompf, and about thirty others, written in the German language, which was referred back to have the same translated.

Mr. MacArthur offered the following motion :

That the Market Master notify persons who are in the habit of making a cow pasture of the West Market Space, that they must discontinue the practice, and on failure to do so that the Market Master take up and impound all horses, cows, hogs and other animals found running in said market grounds.

Which was adopted.

Mr. MacArthur, also, offered the following motion :

That William Sheets be authorized to shoot all pigeons found loitering on his building adjoining Masonic Hall, the same having damaged his building to a considerable extent.

Which was adopted.

Mr. MacArthur, also, offered the following motion :

That if any person wanting dirt to fill up any mud holes in streets or alleys be allowed to take any of the street scrapings that has been deposited by the Street Commissioner in the Military Grounds for that purpose, provided the State Auditor has no objection to its removal.

Which was referred to the Board of Public Improvements.

Mr. Stanton presented the following petition :

INDIANAPOLIS, June 5, 1867.

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

The undersigned petition your honorable body for an order allowing them to take up and repair the bridge across their head race at the north end of lots Nos. 21 and 22, Blake & Ray's subdivision, said repairs to be made under the direction of the City Engineer. Said bridge was erected and maintained by us at our own expense, and is on the 30 foot alley running east and west, between Blackford and Blake streets, and is the north line of the lots on which our flour mills stand.

Very respectfully,

SOHL, GIBSON & CO.

Which was granted.

Mr. Stanton, also, presented the following petition :

INDIANAPOLIS, June 10, 1867.

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

GENTLEMEN:—Your petitioners respectfully represent to your honorable body that sixty-five feet off of the east end of lot 12, in section 36, is owned, used and occupied for educational purposes, and was so owned, used and occupied during the year 1866, and believing that such property is exempted from taxation by the statute law of the State, they therefore respectfully ask that your honorable body will order the City Auditor to strike said property from tax duplicate, and this your petitioners will ever pray.

Respectfully,

CHARLES & MENDENHALL.

Which was referred to the Finance Committee and the City Attorney.

Mr. Stanton offered the following motion :

That the Street Commissioner, under the direction of the Civil Engineer, be ordered to so fix the gutters on Indiana Avenue that the water will not stand in same, particularly at and near the crossing of said Indiana Avenue and California street.

Which was referred to the Board of Public Improvements.

Mr. Stanton, also, offered the following motion :

That William W. Woollen be permitted to construct a well and place a pump therein at edge of sidewalk in front of his grocery building on Indiana Avenue, at the corner of Mississippi street, with the express condition that he shall affix a drain and sink to same, and keep it in repair, so that the waste water from said well shall not stand in the gutter.

Which was adopted.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, June 5, 1867.

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

Your petitioner, Samuel Miller, would respectfully represent to your honorable body that he intends completing the building on lots No. 1 and 2, in square No. 46, on the corner of Illinois and Ohio streets, the second story to

be used as a public hall. He finds it necessary to have a private entrance to the hall, and therefore respectfully petitions that he be permitted to place an iron stairway in the alley south of said building, the said stairway not to exceed three feet in width.

Very respectfully,

SAMUEL MILLER.

Which was referred to the Committee on Streets and Alleys, in connection with the City Attorney.

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

On motion by Mr. Seidensticker, the order of business was suspended, and the ordinance fixing the tax levy for 1867, taken up.

Dr. Woodburn offered the following amendment :

To amend by the insertion of one dollar and two cents in place of one dollar and twenty-five cents.

Pending which, Mr. Seidensticker moved the previous question.

The question being on the adoption of the previous question, those who voted in the affirmative were Councilmen Loomis and Seidensticker—2.

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, MacArthur, Schmidt, Stanton and Woodburn—14.

So the motion was lost.

Mr. Seidensticker asked and obtained leave of absence.

Mr. Brown then offered the following amendment :

Strike out "one dollar and twenty-five cents," and insert "one dollar and ten cents."

Mr. Loomis moved to lay the amendment on the table.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Coburn, Colley, Geisel, Goddard, Jameson, Loomis, MacArthur, Schmidt and Stanton—9.

Those who voted in the negative were Councilman Brown, Burgess, Davis, Henschen, Kappes and Woodburn—6.

So the amendment was laid upon the table.

Mr. Brown then offered the following amendment :

Provided, That of such levy an amount equal to ten cents on each hundred dollars of the taxable property of the city shall be set apart when collected

and held by the City Treasurer, subject to an appropriation by the Common Council exclusively for sewerage purposes.

Mr. Loomis moved to lay the amendment on the table.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Coburn, Colley, Geisel, Goddard, Jameson, Loomis, MacArthur, Schmidt and Stanton—9.

Those who voted in the negative were Councilmen Brown, Burgess, Davis, Henschen, Kappes and Woodburn—6.

So the amendment was laid upon the table.

Mr. Coburn offered the following amendment :

To amend by inserting "one dollar and fifteen cents," instead of "one dollar and twenty-five cents."

Mr. Loomis moved to lay the amendment on the table.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Colley, Geisel, Goddard, Loomis and Schmidt—5.

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Davis, Henschen, Jameson, Kappes, MacArthur, Stanton and Woodburn—10.

So the amendment was not laid upon the table.

The question then being on the adoption of the amendment, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Davis, Goddard, Henschen, Jameson, Kappes, MacArthur and Stanton—10.

Those who voted in the negative were Councilmen Colley, Geisel, Loomis, Schmidt and Woodburn—5.

So the amendment was adopted.

Dr. Jameson then moved that the rules be suspended and the ordinance read the second time, as amended, and considered engrossed.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance was read the second time, as amended, and considered engrossed.

On motion by Dr. Jameson, the ordinance entitled :

AN ORDINANCE levying a general tax for the year 1867, upon the taxable property within the City of Indianapolis,

Was then 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, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—14.

Councilman Woodburn voting in the negative—1.

So the ordinance passed.

Dr. Jameson called up special appropriation ordinance No. 27—1867, entitled :

AN ORDINANCE appropriating moneys for the repairs of streets and bridges, &c., in the different Wards of the City, during the fiscal year ending May 15, 1868.

Mr. Loomis moved to amend by striking out the word "bridges," wherever it occurs in the ordinance.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Burgess, Geisel, Goddard, Henschen, Loomis, MacArthur, Schmidt and Stanton—8.

Those who voted in the negative were Councilmen Brown, Coburn, Davis, Jameson, Kappes and Woodburn—5.

So the amendment was adopted.

The ordinance, as amended, was then 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, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn asked and obtained leave of absence.

Mr. Stanton called up special appropriation ordinance No. 32—1867, entitled :

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

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

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Loomis called up special ordinance No. 135—1866, entitled:

AN ORDINANCE to provide for the re-grading and re-graveling of the east sidewalk of East street, between Louisiana and South streets,

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Geisel called up special ordinance No. 36—1867, entitled:

AN ORDINANCE to provide for lighting with gas Massachusetts Avenue, between New Jersey and Noble streets,

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

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur moved that the rules be suspended and that the report of the Board of Public Improvements be heard.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Coburn, Colley, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Schmidt and Stanton—10.

Those who voted in the negative were Councilmen Brown, Burgess, Davis and Kappes—4.

So the rules were not suspended, there not being a two-thirds vote of all the members of the Council.

UNFINISHED BUSINESS.

Mr. Kappes moved that the rules be suspended and special appropriation ordinance No. 33—1867, be taken up and read the second time and considered as engrossed.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—14.

No Councilman voting in the negative.

So the rules were suspended, and the ordinance read the second time and considered as engrossed.

On motion by Mr. Kappes, special appropriation ordinance No. 33—1867, entitled :

AN ORDINANCE appropriating moneys for the payment of sundry claims on account of the City Hospital for the month of May, 1867,

Was read the third time and placed upon its passage.

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—14.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Stanton moved to reconsider the vote on the suspension of the rules to hear the reports of the Board of Public Improvements.

The question being to reconsider, those who voted in the affirmative were Councilmen Coburn, Colley, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Schmidt and Stanton—13.

Councilman Brown voting in the negative—1.

So the motion to reconsider was adopted.

Mr. MacArthur then moved that the rules be suspended in order to hear the reports of the Board of Public Improvements.

The question being on the suspension of the rules, those who voted in the affirmative were Councilmen Coburn, Davis, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Schmidt and Stanton—10.

Those who voted in the negative were Councilmen Brown and Kappes—2.

So the rules were not suspended, there not being a two-thirds vote of all the members of the Council.

Mr. Loomis, from the Select Committee, submitted the following resolutions :

INDIANAPOLIS, June 10, 1867.

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

GENTLEMEN:—Your Committee, to whom was referred the resolution of the Common Council in reference to the decease of our late colleague in Council, Horace A. Fletcher, ask to submit the following report:

WHEREAS, Death has removed from our midst Horace A. Fletcher, late a member of the Common Council of the City of Indianapolis; therefore, be it,

Resolved, That the high sense of honor by which the deceased was actuated in the discharge of his official duties, the zeal and fidelity with which those duties were performed, the courtesy which characterized his intercourse with the members of this body, his worth as a citizen, and his great and proverbial generosity as a man, render it proper that this body should pay proper respect to the memory of the deceased.

Resolved, That as a token of respect to the memory of the deceased, this body express their sense of the great loss which society has sustained in the loss of a man so honorable, so charitable, and benevolent as our late colleague, and order that these resolutions be entered upon the records of this body as a memorial of the respect entertained by this body for the deceased, and a copy thereof be transmitted to the relatives of the deceased;

All of which is respectfully submitted.

W. H. LOOMIS,	} Committee.
AUSTIN H. BROWN,	
S. A. COLLEY,	

Which were adopted.

On motion by Mr. MacArthur, the Council adjourned.

SIMS A. COLLEY, President *pro tem*.

ATTEST :

D. M. RANDELL, *City Clerk*.