

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
MONDAY, OCTOBER 11TH, 1869, 7 O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, Daniel Macauley, in the chair,
and the following members :

Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn,
Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman,
Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—None.

The proceedings of the regular session held Oct. 4, 1869, and of
the called session held Oct. 7, 1869, were read and approved.

Business was resumed in the order in which it was left off at the
last meeting, viz :

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN:—I have examined the questions concerning the improvement
of North Illinois street, and respectfully submit the following opinions :

L.O.

5. The ordinance directing the improvements provides that the expense of making it shall be collected from the property owners. The statute provides that in cases of street improvements, "no question of fact shall be tried which may arise prior to the making of the contract."—(Acts of 1867, p. 68.) In the late case of *Palmer vs. Stumph*, 29 Ind. 329, the Supreme Court say: "The plain intent of the statute is, to prevent the owner of property to be benefited by a contemplated improvement, made by the Common Council, of the street in front of his property from remaining silent until he has secured the full benefit of the work, and then avoiding the payment therefor. If he denies the power of the Council to order the improvement, he must test the question of injunction before the work is done." See, also, the cases of *City of Indianapolis vs. Imberry*, 17 Ind., p. 175; *Commissioners of Allen County vs. Silvers*, 22 Ind. 491. Under these decisions it is clear that the contractors are entitled to estimates and precepts. The Council have no legal right to withhold them.

C. The decisions cited disposed of the question as between property owners and the contractors. The question as to the liability of the Street Railway Company to the city, and of the city to the property owners, for the improvement of the space occupied by the tracks is much more difficult. That the Railway Company were bound to repair the street is, I think, clear, notwithstanding the change made by the ordinance amending the original ordinance granting the right of way. The question, therefore, is: Can the city relieve the Railway Company from this liability, and impose it upon the property owners? That the Common Council may, if they choose, pay out of the general treasury for improving the space of the streets occupied by the Railway tracks, is plain. Section 70 of the Charter contains the following clause: "And to cause such expenses, or any part thereof, to be paid out of the general treasury of the city. (Acts of 1867, p. 67.) The Common Council may, if they deem it just, pay the expense of improving the portion of the street occupied by the Railway Company." Whether the city can be legally compelled to pay it, is a question I do not now decide.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in.

Also, the following report:

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN:—In obedience to the direction of your honorable body, I submit the following report:

The Case of *Parker vs. The City* has been decided, and, so far as the claims involved in that particular action are concerned, adversely to the city, but, as to the general principle insisted upon by the city, favorable to her. The amount actually involved in the case decided was \$131.50; and the accounts covered by that case should be paid Colonel Parker.

All the other accounts should be paid him on the basis insisted upon by the city; that is, at the rate of fifty cents per day, reckoning as one day each twenty-four hours or fractional part thereof, and not as claimed by Colonel Parker, fifty cents for each fraction of a day, reckoning from 12 o'clock of one day until 12 of the ensuing day.

Respectfully,

B. K. ELLIOTT, *City Attorney.*

Which was concurred in, and referred to the City Clerk, with instructions to settle with the Sheriff in accordance with the report.

The City Clerk made the following report :

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN :—I would most respectfully report to your honorable body that there are on file in my office the following affidavits for the collection of street assessment by precept as follows :

- Hiram Seibert vs. George F. Hippert, for \$32.
- Hiram Seibert vs. H. Catherwood, for \$128.
- Hiram Seibert vs. John Mutchler, for \$24.
- Hiram Seibert vs. Thomas Reid, for \$32.
- Hiram Seibert vs. D. H. Shoneberger, for \$64.
- Hiram Seibert vs. Benjamin W. Douglass, for \$32.
- Hiram Seibert vs. Mary Minter, for \$64.
- Hiram Seibert vs. Mary W. and J. E. Schofield, for \$32.
- Hiram Seibert vs. John J. Stumph, for \$32.
- Hiram Seibert vs Isaac Wilson, for \$24.
- Hiram Seibert vs. H. L. McRoberts, for \$32.
- Hiram Seibert vs. John Bird, for \$112.
- Hiram Seibert vs. Lewis H. McKernan, for \$48.
- Hiram Seibert vs. E. B. Shaw, for \$32.
- Hiram Seibert vs. Thomas Fugate, for \$32.
- Hiram Seibert vs. Ellen Smith, for \$32.
- Hiram Seibert vs. C. A. Moffitt, for \$32.
- Samuel Hanway vs. John J. Smith, for \$34 60.
- Samuel Hanway vs. A. Brown, for \$15.30.
- Samuel Hanway vs. Peter Routier, for \$30.64.
- Samuel Hanway vs. Hannah Heidelberg, for \$5 92.
- Samuel Hanway vs. Langsdale & Hamilton, for \$2 36.
- Samuel Hanway vs. Jane C. Carson, for \$5.92.
- Michael Shea vs. A. Seidensticker, for \$2.64.
- R. P. Dunning vs. A. Seidensticker, for \$30.15.

And would recommend that you order the precepts to issue.

Respectfully, D. M. RANSELL, *City Clerk.*

Which was concurred in.

The Civil Gngineer made the following report :

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN .—I hereby report the following work finished according to contract :

Richard Carr, for grading and graveling Meridian street and sidewalks, between McCarty and Ray streets :

Length on the east side,	-	-	-	841 feet.	
Length on the west side,	-	-	-	841 ft. 6 inches.	
Total length,	-	-	-	1682 ft. 6 inches.	
At \$1.08 cents per lineal foot,	-	-	-	-	\$1,817 10

Daniel Mahoney, for grading and graveling Bradshaw streets and sidewalks from Virginia Avenue to the terminus of said street, west:

Length on the north side,	-	-	-	-	749 feet.
Length on the south side,	-	-	-	-	791 feet.
Total length,	-	-	-	-	1540 feet.
At 65 cents per lineal foot,	-	-	-	-	\$1,001 00

Respectfully, R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

The City Clerk made the following report:

INDIANAPOLIS, Oct. 11, 1869.

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

The City Clerk would respectfully report to Council the following Contracts and Estimates:

1st. Contract and bond of Hanway & Lefever for grading and graveling Maryland street and sidewalks from West to Helen streets, is presented for your approval.

2d. First and final estimate allowed Hanway & Lefever for grading and graveling Illinois street, bowldering the gutters and the crossings of streets and alleys the width of the sidewalks from the north side of St. Clair street to First street.

3d. First and final estimate allowed Richard Carr for grading and graveling Meridian street and sidewalks, between McCarty and Ray streets.

4th. Contract and bond of Charles Roney for grading, paving with brick and curbing the outside edge of the sidewalk with white oak plank, the sidewalk on the south side of Indiana Avenue from Mississippi to West streets.

Respectfully submitted,

DANIEL M. RANSDELL, *City Clerk.*

Which was concurred in, and the contracts and bonds approved, with the exception of the second paragraph of the report in reference to Illinois street.

In reference to which Dr. Woodburn offered the following resolution:

Resolved, That the Civil Engineer be directed to estimate the expense of improving that part of Illinois street occupied by the tracks of the Street Railway Company; and that their part of the expense be paid out of the City Treasury, first deducting the same from the amounts estimated and assessed against the property owners.

Which was adopted.

The question being on the adoption of the resolution.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Kahn, Kennington, Wiles and Whitsit—8.

Those who voted in the negative were Councilmen Heckman, Locke, Marsee, Newman, Shepherd, Thalman and Thoms—7.

Messrs. Weaver and Woodburn being excused from voting.

So the resolution was adopted.

Also, the following resolution :

Resolved, That the foregoing first and final estimate allowed Richard Carr for grading and graveling Meridian street from McCarty to Ray streets be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—17.

No Councilman voting in the negative.

So the resolution was adopted.

ORDINANCES ON SECOND READING.

On motion, the following ordinances were read the second time and ordered to be engrossed :

Special appropriation ordinance No. 43—1869.

Special ordinance No. 115, “

Special ordinance No. 116, “

Special ordinance No. 117, “

Special appropriation ordinance No. 42—1869, entitled :

AN ORDINANCE appropriating one thousand dollars for the relief of the sufferers by the late explosion at the State Fair,

Was read the second time.

Mr. Brown offered the following proviso to be added to the first section :

Provided, That in disbursing such funds such association shall make no conditions whatever, but shall pay out the same to all needy persons who have suffered from the disaster referred to, either by being wounded themselves or by reason of the death of any relative to whom they looked for support.

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

The question being on Mr. Thoms motion to lay on the table,

Those who voted in the affirmative were Councilmen Harrison, Heckman, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—13.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Kennington and Shepherd—5.

So the motion to lay on the table was adopted.

The ordinance was then ordered to be engrossed.

ORDINANCES ON THIRD READING.

Special appropriation ordinance No. 42—1869, entitled :

AN ORDINANCE appropriating one thousand dollars for the relief of the sufferers by the late explosion at the State Fair.

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, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Those who voted in the negative were Councilmen Cottrell and Shepherd—2.

So the ordinance passed.

Special appropriation ordinance No. 43—1869, entitled :

AN ORDINANCE appropriating money for the payment of sundry claims on account of the City Hospital for the month of September, 1869,

Was read the third time and placed on its passage.

The question being, shall the ordinance pass?

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the ordinance passed.

CALL OF THE ROLL.

Mr. Brown introduced special ordinance No. 118—1869, entitled :

AN ORDINANCE to provide for grading and graveling the alley running north and south through Seidensticker's subdivision of out-lot No. 15, and between South and Garden streets.

Which was read the first time.

Mr. Brown offered the following motions :

That Weinberger & Co. be allowed the privilege of paving with brick the sidewalk in front of their property on Louisiana street, provided that the same be done at their own expense and to the satisfaction of City Civil Engineer.

That the Civil Engineer prepare an estimate, when the work shall be completed and accepted, in favor of Hiram Seibert, for bowldering that part of Maryland street, between Delaware and Pennsylvania streets, under a contract for bowldering Maryland street between Delaware and Meridian streets, and submit the same to the Council.

Which were adopted.

Mr. Heckman offered the following resolutions :

Resolved, That the Civil Engineer be, and is hereby, instructed to make a profile of Louisiana street, between East and Noble streets, and to make an estimate of the cost of improving said street, and report the same at the next meeting of Council.

Resolved, That the Clerk be directed to advertise for proposals for improving said street, as heretofore directed.

The question being on the adoption of the resolution,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Mar-see, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the resolutions were adopted.

Mr. Cottrell offered the following resolution :

Resolved, That the Board of Police be requested to reinstate Capt. Otwell as policeman, to fill the first vacancy which may occur on the police force.

Mr. Thoms moved to refer the resolution to the Board of Police.

Mr. Cottrell moved to lay the motion of reference on the table, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Shepherd and Whitsit—7.

Those who voted in the negative were Councilmen Harrison, Kahn, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—11.

So the motion to lay on the table was lost.

Mr. Thoms' motion to refer the resolution to the Board of Police was then adopted.

Mr. Harrison presented the following petition :

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN :—The undersigned respectfully petitions your honorable body to grant him the privilege to grade and gravel, at his own expense, under the direction of the City Civil Engineer, fifty-seven and one-half feet of the south end of the alley running through lot number five in out-lot number thirty-nine of the original subdivision of the City of Indianapolis, and afterwards subdivided by A. J. Danforth into lots numbered one, two, three and four.

A. J. DANFORTH.

Which was granted.

Also, the following petition :

INDIANAPOLIS, Oct. 11, 1869.

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

GENTLEMEN :—The undersigned, property holders of the City of Indianapolis, living in the eastern part of the Second Ward, would respectfully represent to your honorable body that some years ago the Bellefontaine Railroad Company excavated about four acres of ground in out lot No. 1, in said city, to the depth of about 12 feet, using the material taken out for the purpose of ballasting their track for some miles east of the city, and for making grades and ballast for their track in the city, thereby reaping a vast benefit to themselves, greatly to the damage of all surrounding property. As the immediate vicinity was sparsely settled at the time, and the impression prevailed that the Railroad Company would be compelled to fill up the same, no effort was made to stop the monstrous damage that was being done at the time. But after the Railroad Company has accomplished to the uttermost all the damage they could, and removed the track used for that purpose, then the citizens discovered that the Railroad Company intended to maintain the gigantic nuisance they had erected. An effort was immediately made to have the nuisance abated by compelling the Railroad Company, through the Council, to fill up the excavation made by them; whereupon the Railroad Company conveyed said ground to a non-resident woman for a nominal consideration, as they have themselves declared, so that they could prevent being compelled to fill up the same.

Now we feel fully able to prove that the aforesaid conveyance is a fraud and a lie on its face, that there never was any other party to the transaction than the Railroad Company. Therefore, as the aforesaid excavation has created a nuisance, and is inimical to the health of the inhabitants surrounding it, we would respectfully ask that the City Attorney be instructed to take the necessary steps to compel the Railroad Company to fill up said excavation.

J. M. Phipps, M. D.,
H. Lehr,
John L. Hanna,

John Duncan,
Peter Fearry,
And 72 others.

Which was referred to the Committee on Streets and Alleys and City Attorney.

Mr. Locke offered the following motion :

That the City Clerk advertise for sealed proposals for building stone abutments over the waste way of the Central Canal near Geisendorff's mill; and also for the construction of an Iron Bridge to be placed on said stone abutments, and that he advertise for two weeks in the Daily Journal, Cincinnati Commercial and Chicago Tribune, and that the Civil Engineer furnish him the plans and specifications.

Which was adopted.

Mr. Locke introduced special appropriation ordinance No. 44—1869, entitled :

AN ORDINANCE appropriating the sum of one thousand dollars for the use of the Street Commissioner, for the purpose of repairing bridges, &c.

Which was read the first time.

Mr. Locke offered the following resolution :

Resolved, That the plans for Sewers, recommended by Moses Lane, Civil Engineer, is hereby approved, so far as Kentucky Avenue and South street are involved, the first named from Washington street to White river, and the second named from Kentucky Avenue to Virginia Avenue, and Fletcher Avenue to Cedar street, and that the City Clerk advertise for sealed proposals for constructing such Sewers, viz: From White river to Washington street along Kentucky Avenue, and from Kentucky Avenue to the east side of Pogue Run, along South street, according to plans and specifications to be prepared by the Civil Engineer, said proposals to be received at the meeting of the Council to be held on the first day of November, 1869. Separate proposals are invited for each of said sewers; and that such advertisement be published one time each in the Cincinnati Daily Commercial and Chicago Tribune.

Mr. Kahn called for the following from Mr. Lane, Civil Engineer :

SEWERAGE AND DRAINAGE.

Report of Moses Lane, Civil Engineer, on a system of Drainage for the whole city.

INDIANAPOLIS, Sept. 29, 1869.

To John L. Marsee, Esq., Chairman, &c. :

SIR:—In accordance with instructions from your Committee, I have examined the plan proposed for the drainage of Indianapolis, after having been shown the most important localities to be considered in designing a system of drainage for the whole city.

In the general examination of the localities where the sewers at the present time seem to be very greatly needed, I was accompanied by His Honor, the Mayor of the city, the members of your Committee, and other members of the City Council.

It must be entirely apparent to your Committee that as the area to be drained which lies within the present limits of the city is about four square miles, and as there is the surface drainage of a still larger area outside of the corporate limits which must be provided for in any general system of drainage for the whole city, the few days I have spent in examining the localities and investigating this subject have not afforded sufficient time to prepare and present a complete plan and final report which would be entirely satisfactory to your Committee or myself.

This report will, therefore, be only preliminary, in which I shall state the locations recommended for the main or principal sewers, and some of the reasons which have led me to adopt and recommend them.

The plan which has been laid before me does not purport to be a complete plan, but only a skeleton or outline plan showing the location and sizes of some of the main sewers, and indicating the connection of the branch sewers with the mains and their general directions. It is not to be expected that in a plan prepared in so very short a time as this was, there may not be many important changes suggested, which even the designers of the plan would, after careful study, approve and adopt.

I have not had time thus far to examine all the mains and branches shown on this plan, nor the whole territory of the city and its suburbs, the drainage of which passes through the city and would have to be provided for; I will herein confine myself to such portions only as I have examined.

First in regard to the location of the main sewer in Fletcher Avenue and South street, which has been made by the Common Council, through Fletcher Avenue to South street, and thence in South street to Kentucky Avenue, thence in Kentucky Avenue to the River.

I think this is the best location for a main sewer to drain the southerly portion of the city you can select. I have examined the grades of this sewer as shown on the profile in the City Engineer's office, and they appear to be sufficiently low to afford good and satisfactory inclinations for the sewers which may be built in the lateral streets.

It is the design, as I understand it, to drain the large intermittent stream called Virginia river, through this main sewer. The sizes shown on the plan will be large enough for this purpose, if the surface drainage which forms this stream is, as was stated to me by the City Engineer, about one square mile outside of the city limits. In fact these sizes will, on the grades established, drain a much larger area.

The next and most important main sewer is the Washington street sewer, through which it is proposed to drain a large portion of the area of the whole city. This sewer, as shown on the plan already referred to, commences at the junction of Washington street and Pogue Run, and passes through Washington street directly to the River at the westerly line of the city. I regret my not having had the pleasure of discussing this proposed location of this main sewer, with the gentlemen who proposed and recommended it, that I might know their reasons for recommending this location. I think their principal reason was that this was the shortest line to the River, and hence appeared the cheapest. It would also afford drainage to the central portion of the city, where the large hotels are located and where the sewers are now so greatly needed, by building less length of sewer, than if located in any other street or avenue.

Independently of these reasons I respectfully suggest and recommend a different location of this main sewer. The location I recommend is to start the sewer at the junction of Washington street and Pogue Run, and continue it, as shown on the plan to Kentucky Avenue, but thence to locate it in Kentucky Avenue to the River.

The location of the South street sewer, already referred to as having been adopted, and which certainly appears to be the best location for this sewer that can be selected, renders necessary the building of a large sewer in Kentucky Avenue from South street to the River. By diverting the Washington street main sewer into Kentucky Avenue at the junction of Illinois and Wash-

ington streets, this sewer would receive the whole drainage from South street with a very small enlargement at that point, and discharge the same into the River. The chief reason for recommending the location of that portion of this large main sewer west of Illinois street, in Kentucky Avenue instead of in Washington street is, that the point of discharge of the sewerage, or the outlet of the sewer, will thus be about thirty-seven hundred feet lower down the River than if located at the foot of Washington street.

It is of the greatest importance to discharge the drainage from the sewers into the River as far down stream or below the city as possible. It will probably be found desirable at some future time to discharge most of the city drainage into the River at or below Kentucky Avenue. This can be done without great expense, by building an intercepting sewer to carry off the drainage of that part of the city west of Missouri street, if this general idea of discharging the sewerage into the River as far down stream as possible is kept in view in the first location of the sewers. Any such intercepting sewer as here referred to may not probably be required in many years.

For the drainage of that part of the city north of Washington street, I recommend that the streets lying east of Missouri street, viz., Mississippi, Tennessee, Illinois, Meridian and Pennsylvania, with the streets running east and west, viz., Market, Ohio, New York, Vermont and Michigan, be drained by sewers running southerly from North street into the Washington street main sewer.

That portion of the city east of Pennsylvania street and Fort Wayne Avenue, will most easily and naturally be drained into the Washington street main or some of the larger sub-mains which will be discharged into it.

For the drainage of that part of the city west of Missouri street and north of Washington street, I am not yet prepared to recommend the proper location for the main sewers, as I have not had sufficient time to study the plan and examine carefully the locality. If the drainage from this portion of the city can, without too great expense, be thrown into the River below the mouth of Fall Creek, I should recommend to do it, otherwise I should recommend discharging it into Fall Creek as near the mouth as possible, keeping in view the probable necessity of building an intercepting sewer hereafter so as to discharge the sewerage into the River as far down stream as possible, the experience of older and larger cities showing that this may be advisable.

You will observe that I have not spoken of the sizes of the large main sewers, nor their grades, except the one case of the South street sewer. I have not had time to calculate them; and for some of the principal sewers which will necessarily receive a large amount of surface drainage from the water shed outside of the city limits, I have not the exact data which it is desirable to have and use in determining their sizes.

I have left at the office of Mr. Patterson, the City Engineer, a memorandum of some of the necessary information required to enable me to proceed with and complete the sewerage plans of your city. As soon as this information can be obtained I will proceed with this work if you desire it, and complete the plan of drainage.

Very respectfully submitted,

MOSES LANE, Civil Engineer.

Mr. Newman moved to amend Mr. Locke's resolution by striking out that part of the resolution which contemplates building a sewer on Kentucky Avenue from Washington to South street.

Mr. Whitsit moved to lay Mr. Newman's amendment on the table, and called for the ayes and noes.

The question being on Mr. Whitsit's motion to lay Mr. Newman's amendment on the table,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

So the motion to lay Mr. Newman's amendment on the table was adopted.

Mr. Kahn offered the following amendment :

Provided, That no system of building sewerage (intended to be paid out of the City Treasury) shall be entertained by this Council without it being first left to the voice of the tax payers of the city.

The question being on the adoption of the amendment,

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

So the amendment was lost.

Mr. Kahn moved to suspend the rule limiting members to speeches of five minutes.

The question being on a suspension of the rules,

Those who voted in the affirmative were Councilmen Gimber, Harrison, Kahn, Locke, Newman, Pyle, Thalman, Thoms, Weaver and Wiles—10.

Those who voted in the negative were Councilmen Brown, Cottrell, Heckman, Kennington, Marsee, Shepherd and Whitsit—7.

So the rules were suspended.

Mr. Brown called for the previous question.

Mr. Newman moved to adjourn, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Kahn, Newman, Pyle, Thoms, Weaver and Woodburn—6.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Wiles and Whitsit—12.

So the motion to adjourn was lost.

The question then being on sustaining the demand for the previous question,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Thoms and Whitsit—11.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman, Pyle, Weaver, Wiles and Woodburn—7.

So the demand for the previous question was sustained.

The question then being on the original resolution offered by Mr. Locke,

Mr. Wiles moved to lay the resolution on the table.

The point of order being raised that the motion to lay on the table was not in order,

His Honor, the Mayor, decided the point not well taken, and that the motion was proper.

Mr. Brown appealed from the decision of the Chair.

The question being, shall the decision of the Chair stand?

The ayes and noes being called,

Those who voted in the affirmative were Councilmen Harrison, Kahn, Locke, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—11.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee and Shepherd—7.

So the decision of the Chair was sustained.

Mr. Newman then moved to adjourn, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

So the motion to adjourn was lost.

The question then being on Mr. Wiles motion to lay the resolution of Mr. Locke on the table,

The ayes and noes were called.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Weaver, Wiles and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman, Thoms and Whitsit—11.

So the motion to lay the resolution on the table was lost.

Mr Harrison then moved to adjourn.

The question being on adjournment,

Those who voted in the affirmative were Councilmen Harrison, Kahn, Pyle, Thoms, Weaver, Wiles and Woodburn—7.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Shepherd, Thalman and Whitsit—11.

So the motion to adjourn was lost.

The question then recurring on the original resolution, the ayes and noes were called.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

Those who voted in the negative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

So the resolution was adopted.

Mr. Shepherd moved to reconsider the vote just taken on the passage of the resolution.

Mr. Brown moved to lay Mr. Shepherd's motion to reconsider on the table, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit and Wiles—16.

Those who voted in the negative were Councilmen Harrison and Woodburn—2.

So the motion to lay Mr. Shepherd's motion to reconsider on the table was adopted.

Dr. Woodburn moved to adjourn.

The ayes and noes being called,

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

So the motion to adjourn was lost.

Mr. Newman moved to reconsider the vote taken on Mr. Brown's motion to lay the motion of Mr. Shepherd to reconsider the vote on the resolution on the table, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

So Mr. Newman's motion was lost.

Mr. Kahn then moved to adjourn, and called for the ayes and noes.

Those who voted in the affirmative were Councilmen Harrison, Kahn, Newman, Pyle, Thoms, Weaver, Wiles and Woodburn—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Shepherd, Thalman and Whitsit—10.

So the motion to adjourn was lost.

Mr. Shepherd offered the following motion :

That Henry Berg be allowed to pave with brick the sidewalk fronting his property on South and Tennessee streets, the same to be done at his own expense, and to the satisfaction of the City Civil Engineer.

Which was adopted.

Mr. Thalman offered the following motion :

That Robert Patterson be allowed to use the surplus dirt from the first alley west of Blake street, between New York and North streets, to be applied to the grading of Douglass street.

Which was adopted.

Mr. Thalman introduced special appropriation ordinance No. 45—1869, entitled :

AN ORDINANCE appropriating money for the Street Commissioner, to be used for the cleaning of streets, repairing of culverts, &c.

Which was read the first time.

Mr. Thoms introduced special appropriation ordinance No. 46—1869, entitled :

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

Which was read the first time.

Mr. Wiles moved to reconsider the vote taken at the meeting of Council Oct. 4, 1869, by which special ordinances Nos. 113 and 114—1869, were passed.

The question being on reconsidering,

Those who voted in the affirmative were Councilmen Brown, Cottrell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Mar-see, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

No Councilman voting in the negative.

So the vote was reconsidered.

On motion by Mr. Wiles, the above ordinances were amended by inserting the words out-lot in lieu of Square.

The vote was then taken on the passage of the ordinances.

Those who voted in the affirmative were Councilmen Brown, Cot-

trell, Gimber, Harrison, Heckman, Kahn, Kennington, Locke, Marsee, Newman, Pyle, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

So the ordinances passed.

On motion the Council adjourned.

Daniel Macauley
~~DANIEL MACAULEY~~, Mayor.

ATTEST:

S. M. Russell
~~S. M. Russell~~, City Clerk.