

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
MONDAY, AUGUST 10TH, 1868, 7½ 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, Coburn, Davis, Geisel, Goddard, Henschen,
Jameson, Kappes, Loomis, MacArthur, Schmidt and Woodburn
—12.

Absent—Councilmen Burgess, Colley, Cottrell, Foster, Seiden-
sticker and Stanton—6.

The proceedings of the regular session held July 27th, 1868, were
read and approved.

REGULAR ORDER OF BUSINESS.

Mr. Brown offered the following motion :

That the City Clerk re-advertise for proposals for erecting lamp-posts and
lamps on Meridian street (Bluff Road), between Ray and Morris streets.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the Indianapolis Gas Light and Coke Company be allowed the privi-
lege to pave the sidewalks and adjoining gutters in front of their new build

ing on the corner of Pennsylvania and Meridian streets, with the newly patented Boulevard pavement, provided the same be done according to grade, to be determined by the City Civil Engineer, and at the expense of the Company.

Which was adopted.

Mr. Brown, also, offered the following motion :

That the Indianapolis Gas Light and Coke Company be allowed the privilege of putting up a gas lamp-post on the sidewalk in front of their new building on Pennsylvania street, provided that the cost of such lamp-post and the gas to be burned therein be at the expense of said Company.

Which was adopted.

Mr. Coburn introduced special ordinance No. 67—1868, entitled :
AN ORDINANCE to provide for the lighting of Vermont street between Delaware and Alabama streets.

Which was read the first time.

Mr. Coburn introduced special ordinance No. 68—1868, entitled :
AN ORDINANCE to provide for lighting with gas Fort Wayne Avenue between Pennsylvania and Delaware streets.

Which was read the first time.

Mr. Coburn introduced special ordinance No. 69—1868, entitled :
AN ORDINANCE to provide for lighting New York street between Delaware and Alabama streets.

Which was read the first time.

Mr. Coburn introduced special appropriation ordinance No. 38—1868, entitled :

AN ORDINANCE appropriating money to the Chief Fire Engineer to complete sinking a pipe down through the strata of blue clay.

Which was read the first time.

Mr. Coburn offered the following motion :

That the Street Commissioner be instructed to cut the grass and sprouts in the Governor's Circle.

Which was adopted.

Mr. Davis presented the following petition :

INDIANAPOLIS, Aug. 10, 1868.

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

GENTLEMEN:—We, the undersigned property owners in that part of the city lying between Delaware and Meridian streets, and between Chesapeake st.

and the Union Railway track, would respectfully represent to your honorable body that whereas the alley now located through Square No. 98, and being only 12 feet in width, and is therefore altogether inadequate to the business of that part of the city. Therefore we respectfully ask that you cause to be opened a street, through said Square No. 98, 66 feet in width from Pennsylvania street to Delaware street, said street to be a continuation of Georgia street, the property to be appropriated for said street being described as follows, to-wit: Lots numbered 37 and 38, in Washington Hall Company subdivision, and supposed to belong to Edward T. Sinker and Daniel Yandes, and fronting on Pennsylvania street; also 38 feet on Delaware street, bounded as follows, to-wit: Beginning at a point 12 feet south of the north line of a 12 foot alley, the north line of said alley being on a line with the north line of Georgia street, thence south on Delaware street thirty-eight (38) feet, thence west 185 feet, thence north 38 feet, thence east 185 feet to the place of beginning. Said lot is said to be owned by George B. Yandes. Also a lot of ground on Delaware street, in Square No. 98, bounded as follows, to-wit: Beginning at a point 38 feet south of the above described alley, thence south on Delaware street 16 feet, thence west 185 feet, thence north 16 feet, thence east to the place of beginning, said to belong to Daniel Yandes.

Cottrell & Knight,	George Schmitt,
I. P. Evans & Co.,	E. S. Alvord.
Wm. Langsenkamp,	And 7 others.

Which was received.

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

That the Commissioners for the opening of streets be, and are hereby directed in assessing benefits and damages consequent upon the opening of Georgia street, through Square No. 98, from Pennsylvania street to Delaware street, to take into consideration the fact that the Common Council did, on the 26th day of February, 1866, order the vacation of three 12 feet alleys through said Square No. 98, one of such alleys running between lots No. 28 and 29, one of such alleys running between lots No. 32 and 33, and one of such alleys running between lots No. 36 and 37, and the party or parties who received the benefits of said vacation did then and now own lots 37 and 38, now asked to be appropriated for the opening of Georgia street, and that the City Clerk be directed to give the required legal notice to the Commissioners to appraise the benefits and damages that may accrue by the opening of such street, and, also, the required legal notice to the property owners to be affected thereby.

Which was adopted.

Mr. Davis offered the following motion :

That Messrs. Butsch & Dixon be permitted to construct a veranda in front of the building on Ohio street in accordance with the plan submitted.

Which was referred to the Committee on Streets and Alleys.

Mr. Davis, also, offered the following motion :

That the Street Commissioner be directed to notify John Carlisle to remove the scale now located on Market street; and, also, that the Street Commissioner notify the Indianapolis, Cincinnati and Lafayette Railroad Company to construct a sewer on the north side of Market street to convey the water from Mississippi street to the Canal.

Which was adopted.

Also the following motion :

That the Street Commissioner be, and is hereby, directed to notify the Union Railway Company to construct proper culverts under their tracks on Railroad Avenue.

Which was adopted.

Also the following motion :

That the Street Commissioner be, and is hereby, directed to construct a culvert across Illinois street at the south side of North street; also, a culvert across Tennessee street on the south side of North street; also, a culvert across Mississippi street on the south side of North street.

Which was referred to the Board of Public Improvements.

Also the following motion :

That the Civil Engineer be, and is hereby, directed to give Mr. Carr a final estimate on work done on Railroad Avenue from Chesapeake street to the first alley south.

Which was referred to the City Attorney, with instructions to report at next meeting.

Mr. Geisel presented the following petition :

INDIANAPOLIS, Aug. 6, 1868

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

GENTLEMEN:—We, the undersigned property holders on Arch street, between Broadway and Jackson streets, respectfully petition your honorable body to have said Arch street and sidewalks graded and graveled between said points. And your petitioners will ever pray, &c.

Charles Roesener,
Alexander Koun,
Barda Berger,

Henry Ewald,
Jacob Young,
And 8 others.

Which was received.

Also, special ordinance No. 70—1868, entitled :

AN ORDINANCE to provide for grading and graveling Arch street and sidewalks between Broadway and Jackson streets.

Which was read the first time.

Mr. Goddard offered the following motion :

That the Street Commissioner be authorized to notify the Vincennes Railroad Company to put two culverts under their track on West street.

Which was adopted.

Also the following motion :

That the Civil Engineer be authorized to notify Messrs. Burk & Co. to move their scales out of the gutter on West street.

Which was adopted.

Dr. Jameson introduced special ordinance No. 71—1868, entitled :

AN ORDINANCE to provide for grading and graveling Choptank alley, between Walnut and North streets, including the sidewalks.

Which was read the first time.

Dr. Jameson introduced special ordinance No. 72—1868, entitled :

AN ORDINANCE to provide for grading and paving the east sidewalk on New Jersey street, between Massachusetts Avenue and St. Clair street.

Which was read the first time.

Dr. Jameson introduced special ordinance No. 73—1868, entitled :

AN ORDINANCE to provide for grading and graveling the center alley running north and south through Square 41, from Market to Ohio streets.

Which was read the first time.

Dr. Jameson offered the following motion :

That the Street Railroad Company be requested to fill the ditch between their rails on North New Jersey street and Fort Wayne Avenue, in accordance with the terms of their contract for occupying the streets.

Which was adopted.

Mr. Kappes introduced special ordinance No. 74—1868, entitled :

AN ORDINANCE to provide for grading Alabama street and graveling the sidewalks, between St. Joseph and St. Mary streets.

Which was read the first time.

Mr. Kappes presented the following communication :

INDIANAPOLIS, Aug. 10, 1868

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

GENTLEMEN:—Your resolution of the 25th May, requiring the Central Canal Company to enlarge, repair, rebuild and improve the culvert over Pogues Run, was served on the undersigned, agent of the company, some time since. The engagements of the legal advisers of the company have prevented an earlier response. As it is desirable that there should be no misunderstanding between the company and the city about so important a matter, I have been advised to communicate to you the position taken by the company upon the subject. The company does not admit that any legal duty or obligation rests upon it to enlarge the culvert or to construct any additional one. It does not however deny the right of the city to construct a new culvert under the canal, or to enlarge the present one, if necessary for the proper drainage of the city. This right we claim must, however, be reasonably exercised. It must be done at a proper season of the year, and in such a manner as to cause the least practicable interruption to the use of the canal. The injunction sued out last fall by the company was based upon the fact that the bed and banks of the canal were cut at an improper season of the year, and before any preparation had been made to go on with the work, by collecting the necessary materials &c. I attach hereto a certified copy of the order of injunction now in force for your better information on this subject.

You will see that under this order the city is at liberty to go on with the work whenever the necessary preparation has been made to prosecute it with the least practicable delay.

A. GAY, Sup't,
Indiana Central Canal Co.

STATE OF INDIANA, }
MARION COUNTY, } ss:

Be it remembered, that heretofore, to wit: at a term of the Marion Civil Circuit Court of the county of Marion, in the State of Indiana, begun, holden and continued at the Court House in the City of Indianapolis, on the 6th day of July, 1868, the same being the 55th Judicial day of the June Term, A. D. 1868, of the said Marion Civil Circuit Court, before the honorable Cyrus C. Hines, President Judge of the Fifth Judicial Circuit of the State of Indiana, and sole Judge of the Marion Civil Circuit Court, the following proceedings were had in the cause of the Indiana Central Canal Co., vs. the City of Indianapolis and August Richter. No. 2549.

Now come the parties by counsel, and the following order is made by the Court, to-wit; That the defendants herein be and they hereby are restrained and prohibited from interfering with, tearing down or in any way molesting or obstructing the culvert under the Central Canal through which the stream called Pogues Run passes, and the bed and banks of said canal, subject however to the following conditions, to-wit: that when said city shall have made the necessary preparation to construct said culvert, she may move for the dissolution of this injunction either in term or vacation, upon the notice to the plaintiff; and by agreement this cause is continued.

STATE OF INDIANA, }
MARION COUNTY, } ss:

Marion Civil Circuit Court.

I, William C. Smock, Clerk of the Marion Civil Circuit Court of the county of Marion and State of Indiana, do hereby certify that the foregoing is a true and complete copy of the proceedings and judgment of said Court, in the above entitled cause, on the day and year first aforesaid, as appear of Record in my office.

In testimony whereof, I hereunto subscribe my name and hereto
[L. S.] affix the seal of the said Marion Civil Circuit Court, at my office in the City of Indianapolis, this 18th day of June A. D. 1868.

WM. C. SMOCK,
Clerk of Marion Civil Circuit Court.

In reference to which Mr. Brown offered the following motion :

That the City Attorney be instructed to take steps to resist the injunction suit of the Canal Company relative to enlarging the culvert under the Canal for the passage of Pogues Run.

Which was adopted.

Mr. Loomis presented the following petition :

INDIANAPOLIS, Aug. 8, 1868.

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

The Grand Lodge of Free and Accepted Masons of the State of Indiana, by the undersigned Trustees thereof, hereby represent that they desire your honorable body to grant a yearly license that will cover and include all kinds of public exhibitions in Concert Hall, in Masonic Hall building, in the said

City of Indianapolis, on the same terms that such licenses have been granted to other public halls in said city. And as in duty bound, &c.

JOHN M. BRAMWELL,	} Trustees.
H. G. HAZELRIGG,	
SOL. D. BAYLESS,	

Which was received.

Mr. Loomis introduced general ordinance No. 157—1868, entitled :

AN ORDINANCE directing the City Clerk to issue an annual license to the Officers or Board of Trustees of the Grand Lodge of Free and Accepted Masons of the State of Indiana.

Which was read the first time.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, July 20, 1868.

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

GENTLEMEN:—The undersigned, property owners residing on Fayette street, between North and St. Clair streets, respectfully petition your honorable body to have said street and sidewalks properly graded and graveled, with good river or creek gravel, to the satisfaction of the City Civil Engineer, and your petitioners will ever pray, &c.

M. A. Strachan,	James Gibson,
Will H. Corbally,	John H. Miller,
Mathew Logan,	And 13 others.

Which was received.

Mr. MacArthur offered the following motion :

That the Market Master be authorized to dig a well at the west end of the West Market House, and put a good and substantial pump therein, for the accommodation of persons attending market.

Which was adopted.

Also the following motion :

That the Street Commissioner be instructed to gravel the East Market Square, under the direction of the Market Master. Also, that the Market Master be instructed to properly repair the roof of the West Market House

Which was adopted.

Also the following motion :

That the Street Commissioner be instructed to build a wooden culvert on the east side of Mississippi street and Indiana Avenue.

Which was referred to the Board of Public Improvements :

Mr. MacArthur presented the following petition :

INDIANAPOLIS, Aug 3, 1868.

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

GENTLEMEN:—We, the undersigned owners of property on the west side of Mississippi street, between Washington and Market streets, petition your honorable body to pass an ordinance to pave with brick to a width of nine feet, and curb the outside edge with stone the sidewalk on the said west side of Mississippi street, and as in duty bound your petitioners will ever pray, &c.

W. Haneisen,
John A. Heidlinger,
D. Funkhouser.

Which was received.

Also, special ordinance No. 75—1868, entitled :

AN ORDINANCE to provide for grading, paving with brick, and curbing the outside edge of the sidewalk with Flat Rock or Putnamville stone the west sidewalk on Mississippi street, between Washington and Market streets.

Which was read the first time.

Mr. MacArthur introduced special ordinance No. 76—1868, entitled :

AN ORDINANCE to provide for grading, paving and curbing the outside edge of the sidewalk with White Oak plank the west sidewalk on Mississippi street, between Washington and Market streets.

Which was read the first time.

Mr. MacArthur introduced special ordinance No. 77—1868, entitled :

AN ORDINANCE to provide for grading and graveling the west alley running north and south through Square No. 49, between Wabash and Ohio sts.

Which was read the first time.

Mr. Schmidt offered the following motion :

That Andrew Wallace be allowed to take up his stone flagging in front of his store on Delaware street, and relay the same with a grade of $\frac{1}{2}$ inch to the foot, under the direction of the City Engineer.

Which was adopted.

Mr. Schmidt presented the following petition :

INDIANAPOLIS, Aug. 10, 1868.

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

Your petitioner, the Indianapolis, Cincinnati and Lafayette Railroad Co., respectfully asks that she may be permitted to locate and maintain two side tracks, to commence in the south-west corner of block 83, and running thence west across Alabama street and block 84, to the Union track in Delaware st.;

these proposed tracks will be located in Alabama street immediately between two tracks heretofore located, and at present maintained. And your petitioner also desires to locate and maintain an additional side track across Alabama street immediately adjoining and in part in a track heretofore located and constructed by Messrs. McCord & Wheatly. And your petitioner asks the privilege of stating, that while these tracks are a necessity for the accommodation of her patrons and herself as well, she will guarantee said tracks, if located, will not be any additional obstruction to the street, or further imperil the lives or limbs of citizens; that the facilities thus afforded will not necessitate the constant switching across the street at present unavoidable. That she maintains a competent flagman at the crossing of said street, and such plank crossings or roadway and sidewalks, as are approved by your officers. As this is a matter of some emergency, your petitioner respectfully requests some action at your earliest convenience.

The I, C and Lafayette Railroad Company, by
W. H. L. NOBLE, Gen'l Agent.

Which was referred to the Committee on Railroads.

The City Clerk announced that the Standing Committee on Railroads, appointed by His Honor, the Mayor, consists of W. H. Loomis, Henry Coburn, and George A. Foster.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, August 10, 1868.

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

GENTLEMEN :—We, the undersigned, citizens of the City of Indianapolis, living in the immediate vicinity of the canal, where the same is crossed by St. Clair and First streets, would respectfully petition your honorable body to compromise the suit now pending between the Canal Company and said city, by establishing the grade of the bridges at said crossings sufficiently high as to enable flat boats, scows, etc., to pass under them conveniently at high water; that the rapidly increasing business relations between the east and west side of said canal demand that bridges be erected at said crossings at the earliest practical time; that we consider the utility of said canal for boating purposes paramount to a low grade of bridges at said points, and to this end and purpose your petitioners will ever pray.

John Charles,	Elisha C. Mayhew,
Benjamin Charles,	J. H. Goos & Co.,
A. S. Kingsley,	And 119 others.

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

That the petition be referred to the City Attorney, and that he be requested to comply with the prayer of the petitioners, if it is not inconsistent with the interests of the city.

Which was adopted.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, August 10, 1868.

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

Your petitioners would respectfully ask that a certain ordinance passed by your honorable body, on or about the 22d of June, 1868, directing the City Marshall to notify Messrs. Aldrich and Gay to open a certain sidewalk on Missouri street, between Michigan and North streets, be repealed.

Your petitioners would also respectfully represent that the proposed opening of said sidewalk will be of no advantage to the city, or of any convenience to the citizens thereof; that it will materially interfere with the business of Messrs. Aldrich and Roberts, and the free use and enjoyment of their property along said Missouri street; that your petitioners are property holders and reside within the immediate vicinity of said proposed sidewalk; that said sidewalk will be of no benefit, convenience or of any advantage whatever to us, and do not desire that said sidewalk be opened. Wherefore they earnestly pray that your honors repeal said ordinance, &c.

H. W. Caldwell,	C. Kuhn,
John S. Rooker,	C. B. Davis,
Bernhard Walker,	And 40 others.

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

That the motion passed by the Council sometime in June, ordering the opening of the sidewalk on the canal immediately above Indiana Avenue, be rescinded.

On motion, the motion and petition were referred to the Committee on Streets and Alleys.

Dr. Woodburn offered the following motion :

That the City Clerk be instructed to render a bill against the Citizens' Street Railway, in the sum of thirty-four dollars, for lamp erected by the city in front of their stables, about the 1st day of April last, in place of one broken down by their teams.

Which was adopted.

Dr. Woodburn presented the following remonstrance :

INDIANAPOLIS, August 10, 1868.

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

GENTLEMEN:—We, the undersigned property holders on Muskingum alley, between St. Clair and Pratt streets, respectfully but earnestly remonstrate against the passage of an ordinance now pending before your honorable body, for grading and graveling said Muskingum alley, between said points. We deem said improvement unnecessary, as said alley is in a good condition, and the water flows off readily.

We hope your honors will give this matter due attention, and as in duty bound will ever pray, &c.

J. H. Ross,	Esther Walpole,
Mrs. E. Stretcher,	Wm. Sullivan, Sr.,
J. J. Cooper,	And 5 others.

Which was referred to the Board of Public Improvements.

Dr. Woodburn introduced special ordinance No. 78—1868, entitled :

AN ORDINANCE to provide for grading and paving with brick the sidewalk on the north side of Market street, between Illinois and Mississippi streets.

Which was read the first time.

His Honor, the Mayor, presented the following communications :

INDIANAPOLIS, July 20, 1868.

To the President and Members of the Merchants' and Manufacturers' Exchange :

GENTLEMEN:—The Committee to whom was referred the communication made to your body on the 28th of March last, by Dr. E. W. H. Ellis, President of the Goshen, Kosciusko & Peru Railroad, respecting the prospects of that enterprize, and requesting this association to recommend to the City Council that it aid the enterprise, either by taking stock in it, or by making a donation to it, as they have done in similar cases, beg leave to report that they have had the subject under consideration, and after examining it in its various bearings, are of the opinion that the proposed road, if completed, would benefit the city more than any other railroad now entering it. Some of the reasons for this opinion are that the proposed line would put our city into direct communication with Saginaw Bay, in the State of Michigan, thus enabling us to obtain the heavy merchandize of that region, without the delay and expense consequent upon re-shipment. Land plaster could then be obtained at a price that would enable every farmer to use it. Calcined plaster, for masons' use, could be delivered here at as low a rate as in Chicago. The same benefits would accrue to the lake fish and salt trade, both important articles in our market. The lumber trade, however, especially in the article of pine, would perhaps be the most materially benefitted by the completion of the proposed railroad. This description of lumber is coming more and more into use in our city every year, but at present it costs one hundred per cent. more here than in Chicago; but by the completion of the Goshen, Kosciusko & Peru Railroad, cars could be loaded in the Pineries, and run direct to Indianapolis without reshipment, thus making us independent of Chicago or any other Northern city, for our supply of this valuable building material.

For these, among other considerations, we would recommend that this body petition the honorable City Council to make a subscription to the capital stock of the G., K. & P. Railroad Company of sixty thousand dollars, and guarantee the payment of the same on the completion of the road.

All of which is respectfully submitted.

Andrew Wallace,
J. E. Mooney,
B. F. Tuttle,
Aquilla Jones, Jr.

OFFICE OF THE MERCHANTS AND MANUFACTURERS' EXCHANGE, }
Indianapolis, August 8, 1868. }

At a meeting of the Merchants and Manufacturers' Exchange, held this day, the following proceedings were had:

"The committee, to whom was referred the communication of Dr. E. W. H. Ellis, President of the Goshen, Kosciusko and Peru Railroad, asking the co-operation of this body in procuring the aid of the City Council of Indianapolis toward the completion of that line of railroad, either by a donation of sixty thousand dollars or by a subscription of that amount to the capital stock of the said Railroad Company, reported, recommending that this body take measures to bring the matter before the City Council, and urge upon them to make a subscription of the kind and amount above set forth.

The report was received, and, after deliberation thereon, was unanimously adopted, and the Railroad Committee of the Merchants and Manufacturers' Exchange was instructed to carry out the provisions of the report by bringing the subject to the attention of the City Council at the next meeting of that body."

A true copy from the minutes.

JAMES GREENE, Secretary
M. and M. Exchange.

Which were referred to the Committee on Railroads.

Sealed proposals for public improvements were referred to the Board of Public Improvements without reading.

REPORTS FROM BOARDS.

Mr. Davis, from the Board of Public Improvements, made the following report :

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }
Indianapolis, Aug. 3, 1868. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the several matters were referred, would report :

1st. That the petition of property holders on Mississippi street, asking for the opening of the gutters on the north side of Market street from Mississippi street to the Canal, and also to remove the hay scales on the sidewalk, be granted, and that the Street Commissioner be directed to do said work at once.

2d. We respectfully refer the petition of John J. Gates et al., asking for the building of a sewer on New Jersey street, between New York and Washington streets, back to your honorable body with the recommendation that said petition be not granted, as in our opinion the benefits arising from such sewer would not justify the expense.

3d. That the petition of Amanda Luoney, asking for the building of a culvert across West street so as to flow the water on to the low grounds on the west side of West street, we recommend that Street Commissioner notify the Terre Haute Railroad Company to construct a culvert under their track at the crossing of West street, thus obviating the difficulty complained of in said petition.

4th. That the motion directing the Street Commissioner to place a stone crossing on the south-west side of Virginia Avenue from the west side of Pennsylvania street to the east side of said street, be adopted.

5th. That the motion directing the Street Commissioner to construct a wooden culvert, with stone foundation, across Washington street on the east side of Pennsylvania street, so as to connect the gutters on the north side of Washington street with those on the south side of said street ; also, at New Jersey and Washington, and Illinois and Washington streets, be not adopted.

All of which is respectfully submitted.

J. W. DAVIS,
SAMUEL GODDARD, } *Board.*
HENRY COBURN, }

Which was concurred in.

REPORTS FROM COMMITTEES.

Mr. Brown, from the Committee on Streets and Alleys, made the following report :

INDIANAPOLIS, Aug. 3, 1868.

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

The Committee on Streets and Alleys, to whom was referred the petition of Christian Schloer, report in favor of granting the prayer of the same, and to that end recommend the adoption of the accompanying motion.

AUSTIN H. BROWN, }
J. W. DAVIS, } *Committee.*
HENRY COBURN, }

That the prayer of the petition of Christian Schloer, presented to the Council on the 20th of July, 1868, be granted, provided the Bathing establishment be constructed at the expense of the petitioner, and in such manner as not to become a nuisance.

Which was concurred in, and the motion ^{is} adopted.

Mr. Brown, from same committee, made the following report:

INDIANAPOLIS, Aug. 3, 1868.

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

The Committee on Streets and Alleys, to whom was referred a motion introduced in Council on the 20th of July, 1868, "that the City Marshal be instructed to notify Henry Hahn to open the alley closed by him running through out-lot E5, between East and Liberty streets," report that the committee are at a loss to determine what particular alley is meant, and therefore return the paper to the Council without action.

AUSTIN H. BROWN, }
J. W. DAVIS, } *Committee.*
HENRY COBURN, }

Which was received.

Mr. Kappes, from the Committee on Printing and Stationery, introduced special appropriation ordinance No. 39—1868, entitled:

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

Which was read the first and second times and ordered to be engrossed.

Mr. Kappes, from the Committee on Benevolence and Hospitals, made the following report:

INDIANAPOLIS, Aug. 10, 1868.

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

GENTLEMEN:—Your committee beg leave to introduce the report of the Superintendent of City Hospital, together with an ordinance appropriating the sum of \$396.64 cents on account of City Hospital.

Respectfully,

J. H. KAPPES, }
HEN. GEISEL, } *Committee.*

Which was received.

Also, special appropriation ordinance No. 40—1868, entitled:

AN ORDINANCE appropriating moneys for the payment of sundry claims on account of the City Hospital for the month of July, 1868.

Which was read the first and second times and ordered to be engrossed.

Mr. Kappes also presented the following :

RECAPITULATION OF THE MONTHLY REPORT OF EXPENDITURES OF THE CITY HOSPITAL, ENDING JULY 31, 1868.

Total expenditures for the month	\$405 39
Aggregate number of days for which subsistence, etc., was furnished.....	640
Average expense per capita per diem.....	\$0 64

Also, the following :

RECAPITULATION OF THE MONTHLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING JULY 31, 1868.

Number of patients in Hospital at last report	18
Number of patients received in Hospital since last report.....	15
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	9
Number of patients died in Hospital since last report	1
Number of patients remaining in Hospital at present report.....	23

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING AUGUST 2, 1868.

Number of patients in Hospital at last report.....	22
Number of patients received in Hospital since last report.....	6
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	3
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	25

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING AUGUST 8, 1868.

Number of patients in the Hospital at last report.....	25
Number of patients received in the Hospital since last report.....	8
Number of patients born in Hospital since last report	0
Number of patients discharged from Hospital since last report.....	3
Number of patients died in the Hospital since last report.....	0
Number of patients remaining in the Hospital at present.....	30

Which were received.

Mr. Brown stated that the Special Committee appointed at a prior meeting to consider the ordinance issuing bonds of the City of Indianapolis to the Junction Railroad Company, desired one week further time, and asked to submit the following opinion of Judge Morrison upon the subject :

INDIANAPOLIS, August 10, 1868.

J. M. Ridenour, Esq., Vice President :

DEAR SIR: Your communication of this date, requesting an opinion from me in regard to what steps would be necessary for the Common Council of the city of Indianapolis to take in order to legally issue to the Junction Railroad Company the bonds of the city for the \$50,000 heretofore prayed for as a donation in aid of the enterprise, assuming that the road has been completed and in running order; and that the act of the 20th of December, 1865,

for the incorporation of cities, does not authorize the donation or appropriation of money, or the issue of bonds to railroad companies, has been carefully considered.

From evidence furnished me by you it appears that a petition for such a donation dated 29th December, 1866, was gotten up and addressed to the Mayor and Common Council of the city of Indianapolis, describing the signers as "tax payers," praying for the appropriation already mentioned; that the petition was duly presented and referred to a committee on the 14th January, 1867, which committee reported to the Council that the required number of tax payers of the city had signed the petition, and that afterwards, on the 4th of February, 1867, an ordinance in due form was passed by the Council granting the prayer of the petitioners; but there was no law existing at the time authorizing the procedure. The act of 14th March, 1867, however does expressly authorize all that was asked by the petitioners; but the power can be exercised "only in petition of a majority of the resident freeholders" of the city. [Sec. 60, acts of 1867, p. 62.]

Some three months ago I was called on for an opinion in regard to the validity of bonds of the city of Fort Wayne issued to the Grand Rapids and Indiana Railroad Company, for a subscription to its capital stock.

In that case, as in this, the petition upon which the action of the city authorities was predicated was "by three-fourths in number of the resident tax-payers, instead of by a majority of the resident freeholders," according to the requirement of the act of 1867. The bonds bore a date subsequent to the approval of the act last mentioned. But I was constrained to believe them invalid, for the want of the prescribed petition previous to the issuance of the bonds; and I furnished an opinion in accordance with that view, the effect of which was to defeat the sale of the bonds. Afterwards the President of the Company addressed me on the subject, to learn my notions as to the practicability of overcoming the obstacle, and to tell him what I thought could be done, if anything, with the old petition; or whether it could be used by the Common Council, at all.

My answer to that inquiry was this: "Whether or not there should be a new petition *in toto*, upon which to predicate further action by the Common Council, is a question for the Council itself to determine; and I think you should know, before making a move, what they will require. My own opinion is, that there could be no reasonable objection to the use of the old petition, so far as it was pertinent and was signed by freeholders of the city."

I said further: "What you want and all you want is, the former order of your City Council, finding that it appeared to the Council, by petition of a majority of the resident freeholders of the city, that' &c., &c., concluding with the appropriate order. The Common Council being constituted judges of the whole thing. The finding of that honorable body has been held to be conclusive of the question of whether or not the required majority of qualified voters had petitioned; and it has also been repeatedly held by the Supreme Court of the United States that the recitals in such bonds proclaiming the fact that they are issued in pursuance of such petition, are estoppels, preventing the corporations thus issuing them from ever setting up any such defence as that they were issued without the proper petition, or that a majority of freeholders had not petitioned."

Von Hostrop vs. the city of Madison, 1st Wallace's Rep. 291 (U. S. S. C.), and Moran vs. the Commissioners of Miami county, 24 Black's (U. S. S. C.) Rep. 722.

I adhere to the opinion then given, on the question of the propriety of referring to the former petitions, I cannot conceive of any reasonable objection to such a reference; the Council, or any committee which it may deem proper to appoint, being of course careful to ascertain especially how many of the signers are *freeholders* of the city, or resident freeholders at the present time; and that should the names thus ascertained fall short of a majority, that the deficit should be supplied by other names possessing the required qualifications.

Yours respectfully,

J. MORRISON.

Which was referred to the said committee.

REPORTS FROM CITY OFFICERS.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
Indianapolis, Aug. 3, 1868. }

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

GENTLEMEN:—The City Clerk respectfully reports to the Council that there are on file in his office the following affidavits for the collection of street assessment by precept, as follows :

Thomas Carr vs. Simon Yandes, for \$76.72.

Thomas Carr vs. Winslow S. Pierce, for \$43.70.

Thomas Carr vs. James Muntz, for \$9.10.

And would respectfully recommend that you order the precepts to issue.

Respectfully,

D. M. RANSELL, *City Clerk.*

Which was concurred in.

The Chief Fire Engineer made the following report :

INDIANAPOLIS, Aug. 3, 1868.

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

GENTLEMEN:—Your Chief Fire Engineer would most respectfully report that the cisterns built by Kruger & Roney, one on the corner of Tennessee and Walnut streets, and one on the corner of East and Gregg streets, are in perfect order, and hold water full to the ring.

Respectfully submitted,

CHARLES RICHMANN, *Chief Fire Engineer.*

Which was received.

The City Gas Inspector made the following report :

INDIANAPOLIS, Aug. 3, 1868.

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

GENTLEMEN:—Since my Photometer has been in working order, I have found, by experiment therewith, the quality of the gas furnished the city and citizens of Indianapolis, by the Indianapolis Gas Light and Coke Company, to have been as follows :

Date.	Day of Week.	Hour P. M.	Illuminating Power.
July 9th.....	Thursday.....	9:50.....	16.52 candles.
" 10th.....	Friday.....	8:35.....	16.10 "
" 11th.....	Saturday.....	9:05.....	16.64 "
" 12th.....	Sunday.....	9:35.....	14.31 "
" 14th.....	Tuesday.....	10:25.....	15.17 "
" 15th.....	Wednesday.....	10:55.....	15.14 "
" 17th.....	Friday.....	10:32.....	14.78 "
" 18th.....	Saturday.....	9:50.....	15.92 "
" 20th.....	Sunday.....	9:25.....	14.61 "
" 22d.....	Tuesday.....	—.....	16.33 "
" 23d.....	Wednesday.....	10:55.....	15.00 "
" 24th.....	Thursday.....	9:50.....	13.82 "
" 27th.....	Monday.....	10:05.....	15.19 "
" 29th.....	Wednesday.....	11:15.....	15.93 "
" 30th.....	Thursday.....	9:35.....	16.08 "

GEO. H. FLEMING, *City Gas Inspector.*

Which was received.

The Civil Engineer made the following report :

INDIANAPOLIS, Aug. 3, 1868.

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

I hereby report the following work finished according to contract :

Hiram Seibert, for grading and graveling Tennessee street and sidewalks, between McCarty and Ray streets.

Length on east side	-	-	-	-	-	849 ft.
Length on west side	-	-	-	-	-	849 "
Total length						1,698 "
At sixty-nine cents per lineal foot,						\$1,171 62

Also, D. Root and Jerome B. Root for erecting lamp-posts, lamps and fixtures on Vermont street, between Illinois and Tennessee streets—two intermediate posts at thirty-four dollars per post, \$68.00.

Also, same, for erecting lamp-posts, lamps and fixtures on East street, between Washington and Ohio streets—four intermediate posts at thirty-four dollars per post, \$136.00.

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

Which was concurred in.

The Civil Engineer also made the following report :

INDIANAPOLIS, Aug. 10, 1868.

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

I hereby report the following work finished according to contract :

Samuel Hanway, for grading and graveling Massachusetts Avenue from the East side of New Jersey street to the east side of Liberty street.

Length on east side	-	-	-	-	1,238 ft. 8 in.	
Length on west side	-	-	-	-	1,232 ft. 10 in.	
Total length,						2,471 ft. 6 in.
At thirty-eight cents per lineal foot,						\$939 17

Also, John Scheier, for grading and graveling Jackson street and sidewalks, between St. Clair street and the Corporation line north.

Length on east side	-	-	-	-	1,123 ft. 10 in.	
Length on west side	-	-	-	-	1,133 ft. 10 in.	
Total length,						2,257 ft. 8 in.
At sixty-two and one-half cents per lineal foot,						\$1,411 03

Also, Hiram Seibert, for grading and graveling Harrison street and sidewalks, between Dillon street and the west side of Coe's subdivision.

Length on north side	-	-	-	-	364 ft. 5 in.	
Length on south side	-	-	-	-	367 feet.	
Total length,						731 ft. 5 in.
At forty-eight cents per lineal foot,						\$351 08

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

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, Aug. 10, 1868.

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

The City Clerk respectfully reports to the Council the first and final estimate allowed Samuel Hanway for grading and graveling Massachusetts Avenue from the east side of New Jersey street to the east side of Liberty st.

Respectfully submitted,

D. M. RANSELL, *City Clerk*

Which was concurred in.

Also the following resolution :

Resolved, That the foregoing first and final estimate allowed Samuel Hanway for grading and graveling Massachusetts Avenue from the east side of New Jersey street to the east side of Liberty street 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, Coburn, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Schmidt and Woodburn—11.

No Councilman voting in the negative.

So the resolution was adopted.

The City Clerk, also, made the following report :

INDIANAPOLIS, Aug. 3, 1868.

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

The City Clerk respectfully reports to the Council the contract and bond of Anton Richter for building a sewer in the first alley south of Merrill st., commencing at Virginia Avenue and running west about 350 feet, for your approval.

Respectfully submitted,

D. M. RANSELL, *City Clerk*.

Which was received and the contract and bond approved.

The City Gas Inspector presented the following communication :

INDIANAPOLIS, Aug. 10, 1868.

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

GENTLEMEN:—At your regular meeting, held June 8th, a motion, introduced by Mr. Brown, was adopted, by which was ordered "that hereafter no reports shall be received by the Common Council from the Board of Public Improvements, Board of Police, or from any Committee, unless the same be signed by at least two members of the same."

The Committee on Gas has had but two resident members for several months past, Mr. Burgess having long been absent from the City. Any variance in the opinion of this Committee would prevent the reception of their

reports. Having sundry matters of importance which I wish to submit to the Committee on Gas, I would respectfully request you to fill the vacancy in the same.

GEO. H. FLEMING, *City Gas Inspector.*

Which was received.

The Street Commissioner made the following report :

INDIANAPOLIS, Aug. 10, 1868.

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

GENTLEMEN:—I have the honor to suggest that new culverts be built on the following streets: At the intersestion of Massachusetts Avenue and Ohio street; at the intersection of Massachusetts Avenue and Delaware and New York streets, and at the intersection of Massachusetts Avenue and Alabama and Vermont streets; at the intersection of New Jersey and Ohio streets, east sides, and at the intersection of Illinois and Ohio streets.

The culverts on the above named streets are in a very bad condition, they are rotten and dangerous, and not worth repairing.

Very respectfully, your obedient servant,

AUGUST RICHTER, *Street Commissioner.*

Which was referred to the Board of Public Improvements.

The Street Commissioner made the following report :

INDIANAPOLIS, Aug. 10, 1868.

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

The following is the monthly report of the Street Commissioner for work done from the 6th of July to August 9th, 1868:

- 1—Built a culvert on Indiana Avenue near Fall Creek.
- 2—Built one stone crossing on Massachusetts Avenue and Delaware street.
- 3—Built one stone crossing on Massachusetts Avenue and Ohio street.
- 4—Built one stone crossing on Massachusetts Avenue and Alabama street.
- 5—Cleaned the East Market Square.
- 6—Cleaned the West Wood Market.
- 7—Cleaned two culverts on Alabama and Market streets.
- 8—Cleaned four culverts on South Illinois street.
- 9—Laid two foot bridges on Alabama and Market streets.
- 10—Laid one foot bridge on New Jersey and Ohio streets.
- 11—Laid two foot bridges on Spring and New York streets.
- 12—Laid two foot bridges on Harrison and Noble streets.
- 13—Laid two foot bridges on Blume street and Massachusetts Avenue.
- 14—Laid two foot bridges on Noble street between Massachusetts Avenue and North street.
- 15—Built a culvert on New York street at the first alley south-west of New Jersey street.
- 16—Opened the gutters on Madison Avenue between South street and the Madison Railroad.
- 17—Opened the gutters on Maryland street between Delaware and Meridian streets.
- 18—Opened the gutters on South street between Pogue Run and Pennsylvania street.
- 19—Opened the gutters on Pennsylvania street between Pogue Run and Georgia street.
- 20—Built a foot bridge on Maryland street across the Canal.
- 21—Built four foot bridges on Washington and East streets.
- 22—Built one foot bridge on Pennsylvania and Maryland streets.

- 23—Built two foot bridges on Meridian and South streets.
- 24—Repaired the bridge on Washington street across the arm of the Canal.
- 25—Repaired all the culverts on Massachusetts Avenue between New Jersey and Ohio streets.
- 26—Repaired the culvert on Pennsylvania and North streets.
- 27—Repaired the culverts on Market and New Jersey streets.
- 28—Repaired the bridge on Meridian street across Pogue Run.
- 29—Opened the gutters on Union street between Merrill street and the Corporation line.
- 30—Opened the gutters on McCarty street between Madison Avenue and Illinois street.
- 31—Graded the gutters on Maryland street between Alabama and Delaware streets.
- 32—Cleaned Illinois street between Ohio and Market streets.
- 33—Took up and re-bowldered the gutters on Delaware street between Maryland and Cumberland streets.
- 34—Filled the gutters on Alabama street, between North and Walnut streets, with gravel.
- 35—Filled the gutters on Vermont street, between Illinois and Meridian sts., with gravel.
- 36—Filled the crossings on Alabama and North streets with gravel.
- 37—Filled the crossings on Delaware and North streets with gravel.
- 38—Filled the crossings on Maryland and Mississippi streets with gravel.
- 39—Filled the holes on North street, between Delaware and Alabama streets, with gravel.
- 40—Filled the holes on Liberty street, between Washington and Michigan streets, with gravel.
- 41—Raised the sidewalks on East street, east side, between Georgia street and Pogue Run, with gravel.
- 42—Raised the sidewalk on Mississippi street, west side, between Maryland and Georgia streets, with gravel.
- 43—Repaired the sidewalks on Winston street, between Market street and Massachusetts Avenue.
- 44—Raised the sidewalks on Maryland street, between Delaware and Alabama streets, with gravel.
- 45—Re-graded the gutters on Alabama street, between Ohio and New York streets, with gravel.
- 46—Filled the crossings on Massachusetts Avenue and Plum street.
- 47—Filled the mud holes on New York street, between Noble and Liberty streets.
- 48—Raised the sidewalk on Mississippi street, east side, between North and Walnut streets, with gravel.
- 49—Raised the pavement on Virginia Avenue, between Stevens and Merrill streets.
- 50—Raised the gutter on Tennessee street, between Maryland and Washington streets, with gravel.
- 51—Raised the sidewalk and filled the mud holes on McCarty street, between Bluff Road and Illinois street, with gravel.
- 52—Filled the crossings on Illinois and First streets with gravel.
- 53—Re-graded and re-bowldered the crossings on Meridian and South sts., 60 yards of grading and between 800 and 900 yards of bowldering.

The following is a statement of the expenditures in each Ward from July 6th up to August 9th, 1868, and also of the balance of the credits to each Ward on this 10th day of August:

WARDS.	Expenditures from July 6th till Aug. 9, 1868.	Balance of credit to each Ward.
1st Ward	\$94 00	\$281 90
2d Ward*	107 00	
3d Ward	69 00	33 30
4th Ward		436 39
5th Ward	121 00	218 52
6th Ward	124 00	41 63
7th Ward	227 50	99 91
8th Ward	60 60	265 69
9th Ward	146 00	133 08

*Deficit \$30.25.

Respectfully submitted,

AUGUST RICHTER, *Street Commissioner.*

Which was received.

The City Clerk presented the following report from the City Commissioners.

INDIANAPOLIS, Aug. 3, 1868.

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

The undersigned, Commissioners appointed to appraise and assess damages and benefits in cases of opening streets and alleys, to whom is referred the petition for the extension of Michigan street from its present eastern terminus to the Corporation line.

That pursuant to the notice issued and served they met at the office of the City Clerk on the 3d day of August, at 9 o'clock, 1868. After hearing evidence they proceeded to view the ground proposed to be appropriated for the extension of said street.

The Commissioners decided that the extension of said street would be a public benefit, but would respectfully state that the benefits arising from the extension of said street would have to be assessed on property laying outside the corporate limits of the city, over which the Commissioners have no jurisdiction, and that the property in the city limits near said street to be assessed as benefits is not enough to pay the amount of damages caused by said extension.

All of which is respectfully submitted.

SAMUEL M. SEIBERT,	} <i>Com'rs.</i>
JAMES C. YOHN,	
WILLIAM BRADEN,	
JAMES N. RUSSELL,	

Which was concurred in.

ORDINANCES ON SECOND READING.

On motion by Mr. MacArthur, special ordinance No. 61—1868, was taken up, read the second time, and ordered to be engrossed.

On motion by Mr. Davis, special ordinance No. 57—1868, was taken up, read the second time, and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Mr. Geisel called up special appropriation ordinance No. 37—1868, 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, Coburn, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Schmidt and Woodburn—11.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Davis called up special ordinance No. 57—1868, entitled:

AN ORDINANCE to provide for grading and graveling New Jersey street between Merrill and McCarty 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, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Schmidt and Woodburn—11.

No Councilman voting in the negative.

So the ordinance passed.

Mr. MacArthur called up special ordinance No. 61—1868, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures, complete to burn gas, except the service pipe, on California street, between Vermont and Michigan 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, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Schmidt and Woodburn—11.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Loomis called up special ordinance No. 51—1868, entitled :

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures complete to burn gas, except the service pipe, on Noble street, between Washington and Louisiana 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, Davis, Geisel, Goddard, Henschen, Kappes, Loomis, MacArthur, Schmidt and Woodburn—11.

No Councilman voting in the negative.

So the ordinance passed.

Dr. Woodburn offered the following motion :

That the Council now proceed to the election of three (3) Trustees for the City Hospital, to fill the vacancies occasioned by the expiration of the term of service of Drs. Kitchen and Phipps and Mr. Geisendorff.

Which was adopted.

Nominations were then made as follows :

Dr. D. H. Oliver in place of Dr. Phipps.

Dr. J. A. Comingore in place of Mr. Geisendorff.

And Dr. J. M. Kitchen.

Upon a ballot being taken the said gentlemen were unanimously elected.

On motion, the Council adjourned.

DANIEL MACAULEY, *Mayor*.

ATTEST:

D. M. RANSELL, *City Clerk*.