

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
MONDAY, APRIL 29TH, 1867, 7½ O'CLOCK, P. M. }

The Common Council met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members :

Councilmen Allen, Brown, Coburn, Colley, Emerson, Glazier, Jam-  
eson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub  
and Thompson—14.

Absent—Councilmen Fletcher, Grosvenor, Kemker and McNabb  
—4.

The proceedings of the regular session held April 15th, 1867, and  
of the called session held April 16th, 1867, and of the regular ses-  
sion held April 22d, 1867, were read and approved.

NEW BUSINESS.

Mr. Brown presented the following petition :

INDIANAPOLIS, April 27, 1867.

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

We, the undersigned citizens and resident voters of the Ffth Ward of the  
City of Indianapolis, and State of Indiana, do hereby petition your honora-  
ble Council to reconsider the appointment of Mr. G. W. Allred as Inspector

of election in said Ward, and we pray you to appoint some good and honest man in his place.

August Pringler,  
Timothy Fuller,  
George Johnson,

Luis Croft,  
Nicholas Muller,  
And 200 others.

Mr. Colley moved to reject the petition.

Mr. Brown called for the ayes and noes on the motion to reject.

Those who voted in the affirmative were Councilmen Allen, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis and MacArthur—9.

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

So the petition was rejected.

Mr. Brown presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

The undersigned, Executive Committee of the Workingmen of Indianapolis, respectfully represent that the Workingmen have placed before the people a ticket to be voted for at the next City Election, and they claim the right, in behalf of those sustaining such ticket, to a representation on the Election Boards of the different Wards. As all of the election officers have already been appointed, except the Clerks, they respectfully suggest that the following named persons be appointed as Clerks of election for the Wards named:

First Ward—John Broderick.  
Second Ward—David M. Dove.  
Third Ward—D. B. Hoshbrook.  
Fourth Ward—Lyman Case.  
Fifth Ward—Henry Berg.  
Sixth Ward—F. Mottery.  
Seventh Ward—Thomas Redding.  
Eighth Ward— — Curran.  
Ninth Ward—Peter Kohler.

C. KELLY, Chairman.

Which, on motion by Dr. Jameson, was referred to the Election Boards of the different Wards.

Mr. Emerson offered the following motion :

That Mr. Klingensmith be permitted to grade and gravel the sidewalk in front of his lots, Nos. 18 and 19, in Wiley's addition to the City of Indianapolis, on West street, between Walnut and St. Clair streets, and that the Civil Engineer is hereby directed to set the proper grade stakes.

Which was adopted.

Mr. Emerson offered the following resolution :

*Resolved*, That M. G. Fitch be appointed one of the Judges of the election in the Fourth Ward, in place of Edward Santo declined.

The question being on the adoption of the resolution, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Staub and Thompson—13.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Emerson offered the following motion :

That the Street Commissioner be directed to sell the old fence around the Circle to the highest bidder that will take the same away forthwith.

Which was referred to the Board of Public Improvements.

Dr. Jameson presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

The undersigned prays your honorable body for relief from unjust taxation. He is the owner of lot 46, in out-lot 129, on which he erected a small house and a fence in 1866, subsequent to the date of the permit granted him for that purpose, and which is filed herewith as evidence. Notwithstanding he was taxed with an improvement of \$300 on said lot, which he has paid, no improvement whatever was made on said lot previous to the first of January, 1866, except a small stable of the value of about \$30 or \$40. He, therefore, prays that you will refund him the amount of tax on such improvement as he paid wrongfully.

MICHAEL HAMMILL.

McKernan, Pierce & Yandes sold to Michael Hammill brick and lumber for the house built on lot 46, in out-lot 129. The first material sold him for that purpose was on June 12th, 1866.

H. J. LINDLEY,

Clerk for McKernan & Pierce.

Which was referred to the City Auditor, with instructions to correct the assessment list, and refund the amount overcharged.

Dr. Jameson presented the following communication :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN:—I am requested by some of my neighbors, and, on my own account, beg leave to ask if an order of the Council is necessary to have the two lamps lighted on Market street midway between Alabama and New Jersey streets. The lamp-posts and burners have been in working order some time but are only lighted on Sunday evenings. Now, if they are only to be lighted on Sunday nights I suppose we should be thankful for small favors. But if, as we indulge the hope, they are to be lighted up as others, those of us in this dark corner will be gratified if you will have direction given to have it done.

Respectfully,

H. BATES.

Which was referred to the City Lamplighter, with instructions to light and extinguish the posts as others.



Mr. Kappes presented the following remonstrance :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN:—The undersigned, property holders on South street, between Alabama and New Jersey streets, respectfully remonstrate against the grading and graveling of said square or sidewalks. They are not aware of any advantage to be gained by said improvement.

John C. Callahan,	J. M. Kemper,
Anthony Bade,	Matilda Carpenter's heirs,
William Turner	And 4 others.

Which was referred to the Board of Public Improvements.

Mr. Loomis offered the following resolution :

WHEREAS, The law as per the new City Charter provides for but one Clerk at each election poll; therefore,

*Resolved,* That the Inspector and Judges of Election Boards in the several Wards, are hereby directed to adhere to the present law in the premises.

Which was referred to the Election Boards.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN:—The undersigned respectfully petition your honorable body to grant them the privilege of grading and graveling Douglass street, between New York street and the first alley south, and that the City Civil Engineer be instructed to set the proper grade stakes. And your petitioners will ever pray, &c.

JAMES ISGRIGG,  
SAMUEL TRENDALL.

Which was granted.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, April 25, 1867.

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

We the subscribed, property owners upon the street known as California street, in the City of Indianapolis, respectfully petition your honorable body for the laying of gas mains upon said California street, between New York and Michigan streets, and hereby bind ourselves to the use of the following amount of burners each :

Erie Locke, 76 California street,	- - - -	6 burners.
E. A. Parker, 75 California street,	- - - -	6 burners.
W. P. Bingham, 32 California street,	- - - -	12 burners.
M. E. Buist, 60 California street,	- - - -	3 burners.
F. Taylor,	- - - -	2 burners.
George Davis,	- - - -	4 burners.

Which was referred to the Committee on Gas.

Councilman MacArthur presented a sample of a shoe and shackle combined, which was referred to the Board of Police.

Mr. Brown moved that the system of putting ball and chain, or shackles, on prisoners convicted for violation of city ordinances, be abolished.

Which motion was adopted.

Mr. MacArtnur offered the following motion :

That Jacob Traub be permitted to gravel the sidewalk in front of his property at his own expense, under the direction of the City Civil Engineer.

Which was adopted.

Mr. Schmidt presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

The undersigned respectfully petition your honorable body to pass an order requiring the filling up of the rear part of lots Nos. 1 and 3, in square sixty-two (62) of this city, as from the accumulation of stagnant water thereon the health of the residents in the adjoining property is being endangered.

A. J. Gerstner,  
Charles Aldag,  
A. Auch,

Fr. Schildmeier,  
Joseph Langbein,  
And 18 others.

Which was referred to the City Auditor, with instructions to prepare the necessary resolution.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN :—We, the undersigned resident property owners along the line of Noble street, between Washington and Michigan streets, respectfully remonstrate against the grading and bowldering of said street, (as now being petitioned for by some disinterested parties, as the undersigned are informed) between the points above named, but do most earnestly petition and request that your honorable body pass an ordinance to grade and gravel said street and the sidewalks thereof between the poits named. And as in duty bound your petitioners will ever pray.

John Abrams,  
Gerard Many,  
Martin Turquin,

George Stiedel,  
Charlotte Hugo,  
And 31 others.

Which was laid upon the table.

Mr. Seidensticker presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

The undersigned, property holders on North Noble street, between Washington and Michigan streets, respectfully petition for the improvement of Noble street by grading and bowldering or graveling.

John Stumph,  
D. A. Bohlen,  
Wm. H. English,

M. Kenger,  
Woehler & Laaz,  
And 21 others.

Which was laid upon the table.

Mr. Seidensticker offered the following motion :

That Henry Kettenbach be allowed to pave his sidewalk in front of his lot on Massachusetts Avenue, and, also to bridge over the gutter in front of his store, provided it is done in accordance to the grade and under the direction of the Civil Engineer.

Which was adopted.

Mr. Seidensticker offered the following motion :

That the Election Boards in the different Wards of the City be authorized and requested to appoint two Clerks, in accordance to the general Election Law and former custom.

Which was referred to the Election Boards.

Mr. Seidensticker introduced special ordinance No. 19—1867, entitled :

AN ORDINANCE to provide for the erection of gas lamps and posts on McNabb street, between Illinois and Meridian streets,

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

Dr. Thompson presented the following communication :

INDIANAPOLIS, April 29, 1867.

*Dr. W. C. Thompson, Chairman Committee on Gas :*

DEAR SIR;—You reported at a recent meeting of the Council that the contractors for the erection of lamp-posts on Tennessee and New Jersey streets had not put them up according to contract.

As we are the contractors for said streets, we beg to trouble you with a statement of all the facts connected with said contract.

When the contract was awarded to us we at once, and without delay, made the posts and lamps precisely according to the contract. Owing to the severe season the city was unable to do the digging. Hence the necessity for an extension of our contract, which was granted.

During the winter the Engineer consulted with us as to putting on galvanized iron lamps, desiring to know whether we would do so. We signified our willingness to do so for the *residue not already made*, stating to him that we had 48 lamps made, and must use them, as they would be worthless on our hands. The next we hear from him is in his prompting Councilman Coburn to offer a resolution that we be required to put on galvanized iron lamps, and that, too, without informing him that 48 cast iron lamps were made.

This action, on the part of the Engineer, was the more inexcusable from the fact that we stopped making the cast iron lamps at his request, in order to give him time to determine about the change to galvanized iron lamps.

We have been kept out of the money on these contracts since last fall, not by any neglect on our part, but from causes over which we have had no control, viz., the inability of the city to do the digging, and we ask that we may have the estimates without further delay.

Respectfully yours,

D. ROOT & CO.

Which was received.



In relation to which Dr. Thompson offered the following motion :

That the City Engineer be directed to receive the lamp-posts and lamps on Illinois street, between Michigan and the Corporation line; also, New Jersey street, provided that the original contract be complied with.

Which was adopted.

REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, April 24, 1867. }

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

GENTLEMEN:—The Board of Public Improvements, to whom the bids were referred, would respectfully report to your honorable body that William and John Cogill are the best bidders to grade and gravel Lord street, between Noble street and the Corporation line east, for (77) seventy-seven cents per lineal foot front each side of the street.

Also, Joseph Schwatzer, to grade and gravel the south sidewalk of New York street, between Missouri and West streets, for (30) thirty cents per lineal foot front.

Also, Seibert & Buchanan to build a bridge over Pogue's Run on New York street, for (\$9) nine dollars per lineal foot, making the bridge cost (\$450) four hundred and fifty dollars.

We would recommend that contracts be awarded to the above named parties.

HENRY COBURN, }  
JNO. B. MACARTHUR, } *Board.*

Which was accepted and approved and the contracts awarded.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, April 24, 1867. }

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

GENTLEMEN:—The Board of Public Improvements would respectfully report to your honorable body that the appropriation to the Street Commissioner is about expended, and as all the bridges on the Canal were ordered to be thoroughly repaired, and a new bridge has been ordered over Pogue's Run on Winston street. We would represent that the bowldered streets are in many places in very bad condition, and any delay in their repairs will only increase the expense of the repairs. We would recommend that the Street Commissioner be instructed to repair the streets at once. We herewith introduce an ordinance for an additional appropriation to said officer to enable him to do the work.

HENRY COBURN, }  
JNO. B. MACARTHUR, } *Board.*

Which was received.

Also, special appropriation ordinance No. 21—1867, entitled :

AN ORDINANCE appropriating money to the Street Commissioner for the cleaning of street, repairing of bridges, culverts, &c.

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

REPORTS FROM COMMITTEES.

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

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN :—The Committee on Streets and Alleys, beg leave to report that no objection having been made to the petition of E. C. Atkins & Co., recommend that the prayer thereof be granted, and that the vacation of the 15 feet alley running east and west between lots 3 and 4, in Vanblaricum's sub-division of out-lot 14, be ordered and decreed by the Council.

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

ORDER OF VACATION OF A CERTAIN ALLEY THEREIN NAMED.

Comes now the petitioners, E. C. Atkins & Co., and produces proof that they have given the legal notice of the pendency before the Common Council of the City of Indianapolis of their petition for an order to vacate the alley running east and west between lots numbered three (3) and four (4) of out-lot numbered fourteen (14), as sub-divided by James Vanblaricum, in the City of Indianapolis, by a publication in the Indiana Herald, a newspaper of general circulation published in Indianapolis, for twenty (20) days previous to the 29th day of April, 1867, which proof is as follows, to-wit :

STATE OF INDIANA, }  
COUNTY OF MARION, } ss :

Before me, Alvin D. May, a Notary Public, this day personally came, Thos. O. Barbour, who being duly sworn according to law, says that he is the Book-keeper of the Indiana Herald, a Weekly newspaper published in Indianapolis, in said county, and that the notice, of which the annexed is a true copy, was published in the paper on the third day of April, 1867, and once each week thereafter, until the 17th of April, 1867. THOS. O. BARBOUR.

Sworn and subscribed to before me, this 22d day of April, 1867.

ALVIN D. MAY, Not. Public.

NOTICE—Is hereby given that a petition is pending before the Common Council of the City of Indianapolis, asking for the vacation of the alley running east and west between lots numbered three (3) and four (4) of out-lot numbered fourteen (14), as sub-divided by James Vanblaricum, in the City of Indianapolis. Said petition will be heard at the meeting of the Common Council, to be held on Monday evening, April 29, 1867, or at some subsequent meeting.  
E. C. ATKINS & CO.

And, also, by posting up copies of said notice at three of the most public places in the neighborhood of said part of said street, which proof is as follows, to-wit :

NOTICE—Is hereby given that a petition is pending before the Common Council of the City of Indianapolis, asking for the vacation of the alley run-



ning east and west between lots numbered three (3) and four (4) of out-lot numbered fourteen (14), as sub-divided by James Vanblaricum, in the City of Indianapolis. Said petition will be heard at the meeting of the Common Council to be held on Monday evening, April 29th, 1867, or at some subsequent meeting.

E. C. ATKINS & CO.

STATE OF INDIANA, }  
MARION COUNTY, } ss:

Personally appeared before me, the undersigned, Franklin Fenton, who, being duly sworn, upon his oath says that he has posted in three conspicuous places in the City of Indianapolis, Indiana, copies of the attached notice, one of which was posted on the corner of the alley named in the attached notice, and the other two in public places near to and in said alley, of which the above is a true copy, and that the same were posted by him on the 2d day of April, 1867.

FRANKLIN FENTON.

Subscribed and sworn to before me the 22d day of April, 1867.

JOHN H. BARRY, Not. Public.

And no person appearing to object or remonstrate against said vacation, and it appearing to the satisfaction of the Common Council that the petitioners and the owners of all the lots and ground bordering on both sides of the alley proposed to be vacated, running east and west between lots numbered three (3) and four (4) of out-lot numbered fourteen (14), as sub-divided by James Vanblaricum, in the City of Indianapolis, and the Common Council being fully advised in the premises, it is hereby ordered and decreed by the Common Council of the City of Indianapolis, that the following described alley in said City of Indianapolis, be, and the same is hereby, vacated, viz., a fifteen (15) feet alley, running east and west between lots numbered three (3) and four (4) of out-lot numbered fourteen (14), as sub-divided by James Vanblaricum in the City of Indianapolis.

The question being on the adoption of the order of vacation, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the report was concurred in, and the order of vacation adopted.

Dr. Jameson, from the Committee on Printing and Stationery, reported special appropriation ordinance No. 22—1867, entitled:

AN ORDINANCE appropriating money for the payment of accounts for City Printing,

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

Mr. Kappes, from the Committee on Benevolence and City Hospital presented the following :

RECAPITULATION OF THE WEEKLY REPORT OF THE CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL ENDING APRIL 27, 1867.

Number of patients in Hospital at last report .....	30
Number of patients received in Hospital since last report .....	2
Number of patients born in Hospital since last report .....	2
Number of patients discharged from Hospital since last report .....	8
Number of patients died in Hospital since last report .....	0
Number of patients remaining in Hospital at present report .....	26

Which was accepted and approved and ordered to be spread upon the minutes.

Dr. Jameson, from Select Committee, to whom was referred special appropriation ordinance No. 19—1867, entitled :

AN ORDINANCE appropriating money and providing for the payment of outstanding indebtedness of the City of Indianapolis, and the interest accrued thereon,

Reported the same back, 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, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—13.

Councilman Allen voting in the negative—1.

So the ordinance passed.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN:—In accordance with the requests contained in the accompanying communication, I have examined the questions propounded, and respectfully submit the following opinion :

The act for the incorporation of cities, enacted at the last session of the Legislature, provides, in section eight, for the election of City Auditor, and that the Council may provide by ordinance for his qualification and duties. Sections 21, 22 and 23 provide that many of the duties appertaining to the office of Auditor shall be discharged by the City Clerk. Section 87 continues in force all ordinances not inconsistent with the act.

The construction which I place upon these provisions is that the City Clerk is to perform the duties properly appertaining to the office of City Auditor, in case no Auditor has been elected, but not in case of the election of an Auditor. I base this construction upon the familiar general rule that all parts of a statute are to be given effect to if possible. The cardinal rule in the interpretation of statutes is that the intention of the Legislature must

be ascertained and given effect. It would be absurd to say that the Legislature intended to create an office without duties.

I am of opinion, therefore, that the Council may assign duties to the Auditor properly pertaining to the office, but that no part of the duties usually and properly appertaining to the office of Clerk can be taken from the Clerk and assigned to the Auditor.

It is proper to add that there are other sections of the act in which mention of the Auditor and his official duties are made, but I have not thought it necessary to speak of them more fully.

Respectfully

B. K. ELLIOTT, *City Attorney.*

Which was accepted and approved.

The City Civil Engineer made the following report :

INDIANAPOLIS, April 29, 1867.

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

I would respectfully report the following amount of work finished according to contract :

Joseph Bernauer and John Bly, for grading and graveling part of alley running east and west through square 95.

North side,	-	-	-	-	-	259 feet.
South side,	-	-	-	-	-	259 "
						518
Total number of feet,	-	-	-	-	-	518
At 19 cents per lineal foot each side,	-	-	-	-	-	19
						\$98 42
Total	-	-	-	-	-	\$98 42

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was approved, and the City Auditor directed to prepare and report estimate.

The City Civil Engineer, also, made the following report :

INDIANAPOLIS, April 29, 1867.

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

I would respectfully report the following amount of work finished according to contract :

Charles Roney, for grading and paving with brick the west sidewalk on Alabama street, between Vermont and North streets.

Total number of feet,	-	-	-	-	-	810
At 77 cents per lineal foot,	-	-	-	-	-	77
						\$623 70
Total,	-	-	-	-	-	\$623 70

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was approved, and the City Auditor directed to prepare and report estimate.



The City Civil Engineer, also, made the following report :

INDIANAPOLIS, April 29, 1867.

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

I would respectfully report the following amount of work finished according to contract :

J. H. Robinson, for grading and graveling Mississippi street and sidewalks, between Garden and Merrill streets.

East side,	-	-	-	-	-	430 feet.
West side,	-	-	-	-	-	430 "
Total number of feet,	-	-	-	-	-	860
At \$2.00 per lineal foot each side,	-	-	-	-	-	2
						<hr/>
						\$1,720 00
Deduct former estimate given,	-	-	-	-	-	560 00
						<hr/>
Total amount due contractor,	-	-	-	-	-	\$1,160 00

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was approved, and the City Auditor directed to prepare and report estimate.

The City Civil Engineer, also, made the following report :

INDIANAPOLIS, April 29, 1867.

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

I herewith present estimate for a double stone or rubble culvert under the Central Canal over Pogue's Run.

1530 cubic yards, to be moved twice, at 30 cents,	-	-	-	-	-	\$459 00
1030 cubic yards, pit excavation, at 40 cents,	-	-	-	-	-	412 00
540 cubic yards masonry, at \$6.50 per yard	-	-	-	-	-	4,050 00
Timber and plank foundation	-	-	-	-	-	400 00
						<hr/>
Total,	-	-	-	-	-	\$5,321 00

Respectfully submitted,

JOSHUA STAPLES, JR., *Civil Engineer.*

Which was referred to the Board of Public Improvements.

The City Auditor made the following report :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN :—The City Auditor would respectfully report the following :

1st. The contract and bond of the Indianapolis Gas Light and Coke Company for erecting lamp-posts, lamps and fixtures on Pennsylvania street and Madison Avenue, between South and McCarty streets.

2d. The contract and bond of James Rollins and John Huffer for grading and graveling the alley running east and west between Elm and Huron sts., from Cedar street to the first cross alley.

3d. The contract and bond of Samuel Lefever, for grading, curbing and bowldering McNabb street, between Meridian and Illinois streets.

4th. First and final estimate allowed Feary and Dillon for grading and paving with brick so much of the sidewalk on the east side of Tennessee street, between Washington and Market streets.

5th. First and final estimate allowed Messrs. Feary & Dillon for paving with brick on the south east side of Circle street, where the same had not been improved, between Market and Meridian streets.

6th. Second and final estimate allowed James Mahoney for grading and graveling Massachusetts Avenue and sidewalks, between Chatham street and the Corporation line east.

7th. First and final estimate allowed Deloss Rott for erecting lamp-posts, lamps and fixtures on Market street, between Illinois and Tennessee streets.

8th. First and final estimate allowed Deloss Root for erecting lamp-posts, lamps and fixtures on Market street, between Alabama and New Jersey sts.

Respectfully submitted,

JOHN G. WATERS, *City Auditor.*

*Resolved,* That the foregoing first and final estimate allowed Feary & Dillon for grading and paving the south-east sidewalk on Circle street, where the same has not heretofore been improved, between Meridian and Market 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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the resolution was adopted.

*Resolved,* That the first and final estimate allowed Feary & Dillon, for grading and paving with brick the sidewalk on the east side of Tennessee street, where the same has not heretofore been improved, between Washington and Market 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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the resolution was adopted.

*Resolved,* That the second and final estimate allowed James Mahoney for grading and graveling Massachusetts Avenue, between Chatham street and the Corporation line, be, and the same is hereby adopted as the estimate of this Council, and 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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the resolution was adopted.

*Resolved*, That the first and final estimate allowed D. Root for erecting lamp-posts, lamps and fixtures on Market street, between Alabama and New Jersey streets, be, and the same is hereby, adopted as the estimate of this Council, and 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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the resolution was adopted.

#### ORDINANCES ON SECOND READING.

Mr. Seidensticker called up special ordinance No. 19—1867, which was read the second time and ordered to be engrossed.

Mr. Coburn called up special appropriation ordinance No. 21—1867, which was read the second time and ordered to be engrossed.

Dr. Jameson called up special appropriation ordinance No. 22—1867, which was read the second time and ordered to be engrossed.

#### ORDINANCES ON THIRD READING.

Dr. Jameson called up special appropriation ordinance No. 20—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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the ordinance passed.



Mr. Seidensticker called up special ordinance No. 4—1867, entitled:

AN ORDINANCE to provide for the grading and graveling of Noble street and sidewalks, between Washington and North 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 Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the ordinance passed.

#### UNFINISHED BUSINESS.

Mr. Loomis introduced special ordinance No. 20—1867, entitled:

AN ORDINANCE to provide for the erection of lamp-posts, lamps and fixtures on South street, between Virginia Avenue and School street,

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

Mr. Coburn presented the following communication:

INDIANAPOLIS, April 29, 1867.

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

I received a note stating that I had been appointed one of the Judges of the election for Second Ward, at the Spring election. I regret that my engagements are such that I shall be unable to serve, but such is the case. You will, therefore, please appoint a man to serve in my place.

Yours truly,

DAVID MACY.

Which was received, and the resignation of David Macy accepted.

Mr. Coburn then moved that John Wise be appointed one of the Judges of the Election Board in the Second Ward, in place of David Macy.

The question being on the adoption of the motion, those who voted in the affirmative were Councilmen Allen, Brown, Coburn, Colley, Emerson, Glazier, Jameson, Kappes, Loomis, MacArthur, Schmidt, Seidensticker, Staub and Thompson—14.

No Councilman voting in the negative.

So the motion was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, April 29, 1867.

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

GENTLEMEN:—The undersigned would respectfully represent that he is charged with an improvement of a sidewalk on Mississippi street, on an estimate approved by the Council, whereas said sidewalk was made by him in 1862, and that the contractor has made no improvement thereon. He therefore asks that said estimate be corrected so far as the portion of the sidewalk fronts his property.

JAMES D. CRANE.

Which was referred to the City Attorney and City Auditor.

On motion by Mr. Emerson the Council adjourned.

JOHN CAVEN, *Mayor.*

ATTEST :

C. S. BUTTERFIELD, *City Clerk.*