

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
MONDAY, JULY 29, 1867, 2 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, Burgess Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—16.

Absent—Councilmen Schmidt—1.

The proceedings of the regular session held July 22, 1867, were read and approved.

Mr. Brown presented the following petition :

INDIANAPOLIS, July 27, 1867.

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

GENTLEMEN:—Your petitioners respectfully represent that West street south of Kentucky Avenue, up to November, 1863, was only forty feet in width, when twenty feet were added in the sub-division made. There are now forty-four houses within the corporate limits, fronting on that part of said street which is south of Kentucky Avenue, and there are many other houses at present, and still more prospectively, dependent on that part of the street for ingress and egress.

Your petitioners further state, that upon the evening of the 27th day of May, 1867, an ordinance was introduced, and on the same evening passed by this Council, based upon representations of officers or agents of the Vin-

cennes Railroad Company, granting a right of way along the whole distance of that part of West street above named. The south west part of the city between the canal and river, has, and can have, but one street running north to Kentucky Avenue, and that is the street above named, which for useful and practical purposes, will be destroyed by such railroad, if it should be made. That such would be the result is apparent, if the streets already occupied by railroads are examined; and besides, the property holders on West street will have to pay the expense of improving it, and then will not be able to use it.

While your petitioners admit that the railroads must have liberal consideration, yet they feel well convinced that a route, or indeed several routes, can be obtained, which will be fair and just to the railroad, as well as to property owners.

1st. A track can be obtained down Kentucky Avenue, which is ninety feet wide, and which upon its northern side is unimproved, and which leads to the vicinity of machinery and manufactures, building and to be built.

2d. A route can be obtained by leaving Kentucky Avenue at Eckert street, crossing lots to Rose street, following down the bank of the river to Dakotah street, and thence to the river, which route will avoid bridging Pogue's Run once or oftener; and the road would run outside of the residences of the people.

3d. A track could be made running from Louisiana street to the west side of the canal, thence to West street.

Either of the above tracks would be much preferable to the public, to that of West street, although perhaps costing a little more to the Railroad Company. Your petitioners claim that their rights are prior to that of the railroad. Many of them are in very moderate circumstances, and are very unwilling that the great depreciation of their property should be inflicted unnecessarily by the Railroad Company. Many of them are not well able to enforce their claims to damages if the law authorizes damages.

Your petitioners are informed and believe that the ordinance was passed upon assurances that the parties interested living in the vicinity of the route, were willing it should be located on West street, but they state on the contrary that they are not, and never have been willing; and have never given nor authorized any other person to give any such assurance. They therefore ask that the permit granted by the former ordinance be repealed, and that such other route be selected as may be proper, and may duly recognize the reasonable rights of your petitioners and other injured parties, and that a committee be appointed to investigate the facts and hear the parties interested, and that all proper relief be granted in the premises, and your petitioners will ever pray.

Thomas W. Harris,  
J. W. Jones,  
Thomas Tobin,

O. B. Gilky,  
Patrick Barry,  
And 31 others.

The following proposition accompanied the above petition :

INDIANAPOLIS, July 22, 1867.

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

We propose to the Mayor and Common Council of the City of Indianapolis, and to the Vincennes Railroad Company, that if West street is abandoned as the route of said railroad, and the route by way of Eckert street and thence south to Rose street and thence to the bend of the river just west of the school ground and thence west of the school ground by the river to the vicinity of Dakotah street, and thence by Dakotah street, is adopted, that we will in consideration thereof without charge to said company, grant them the right of way over any ground we own; and will also pay what may be requisite to pass over any ground we have heretofore sold; in other words

we will grant without charge to the Railroad Company, a right of way over all the ground of private owners, between Kentucky Avenue and the city limits upon the route above named, the same being a good and suitable route.

J. H. McKernan,  
S. Yandes.

Winslow S. Pierce,

Which was referred to a Select Committee consisting of Messrs. Coburn, Henchen and Goddard.

Mr. Geisel introduced special ordinance No. 61—1867, entitled :

AN ORDINANCE to provide for the paving, with good hard-burned brick, and curbing the outside edges of the sidewalk with Flat Rock stone, the south sidewalk on Washington street, between Noble and East streets, where the same has not already been paved and curbed.

Which was read the first time by its title.

Mr. Geisel offered the following motion :

That the City Clerk write to the manufacturer of lamp glass, at Pittsburg, and see upon what terms he will sell the city from 50 to 100 boxes already to fit the lamps.

Which was referred to the Committee on Gas.

Mr. Geisel, also, offered the following motion :

That the Chief Fire Engineer be requested to report on the location of cisterns.

Which was adopted.

Mr. Geisel, also, offered the following motion :

That the printing of the proceedings of the Council be discontinued, unless the same are furnished to the Clerk on the next Saturday after the meeting of the Council.

Which was referred to the Committee on Printing and Stationery.

Mr. Loomis offered the following motion :

That the proceedings of the Council be hereafter printed by the German Telegraph press, and the Committee on Printing be and are hereby directed to make the proper arrangements for their prompt publication.

Dr. Woodburn moved to lay the motion on the table.

Mr. Loomis called for the ayes and noes.

The question being to lay the motion on the table, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Davis, Henschen, MacArthur and Woodburn—10.

Those who voted in the negative were Councilmen Cottrell, Geisel, Loomis and Seidensticker—4.

So the motion to lay on the table was adopted.

Mr. Geisel offered the following resolution :

*Resolved*, That the City Clerk be directed to give the notice required by law to the property owners, and also to the Commissioners on Streets and Alleys, that such Commissioners will be required to meet at the Council Chamber in Indianapolis, on Saturday, August 24, 1867, at 2 o'clock P. M., for the purpose of examining into the matters set forth in the petition of James Breen and others for the extension of Winston street to St. Clair street, and to appraise and assess the benefits and damages that may be sustained by the extension of such street.

The ayes and noes being taken under the Charter, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Kappes, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

Mr. Goddard introduced special ordinance No. 62—1867, entitled:  
AN ORDINANCE to provide for paving with brick, and curbing the outside edges of the sidewalk with Flat Rock stone, the south sidewalk on Washington street, between Mississippi and Missouri streets,

Which was read the first time by its title.

Mr. Henschen presented the following petition :

INDIANAPOLIS, IND., July 29, 1867.

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

We the property owners between Walters and Grear streets, pray the Council once more to have a wood Culvert put in the alley to let the water run off. We do not think it right to run the water from McCarty street into the alley and then leave it there till it dries away, which has been done now for a long time, making almost continual standing water in the alley. If the city will not do it, we will stop the water from McCarty street in the alley.

Fred. Hillman, Charles Hillman,  
F. Smith.

Which was referred to the Board of Public Improvements.

Mr. Henschen, also, presented the following petition :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN :—The undersigned, property holders, owning real estate abutting upon an alley running east and west through out-lot 86, between Noble and Liberty streets, respectfully request your honorable body to repeal the ordinance passed by your body, ordering the grading and graveling of said alley, and in lieu of same, we respectfully request that you will order the grading only of said alley.

Respectfully,

Charles Tebbs, William Sonnefield,  
William D. Truman, Sharer & Spear,  
G. P. Beeler, George Sutten.

Which was received.

Mr. Kappes presented the following petition :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN:—I hereby petition your honorable body, that you will appoint some suitable person to act as Register for the 2d Ward in my place, for the reason that my business will not admit of my serving in such capacity.

Respectfully,

MATHEW HARTMAN.

Which was granted.

Mr. Loomis presented the following remonstrance :

INDIANAPOLIS, July 24, 1867.

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

We the undersigned, residents of Harrison street, do hereby remonstrate against the grading and graveling of Harrison street, between Noble and Pine streets, during the present year of 1867, as we do not deem the business of said street sufficient to require it, and furthermore, as Lord street has this season been graded and gravelled, making it sufficient for the present demand of business.

Wm. Spotts,  
John Keef,  
Jacob Kung,

Charles Richmann,  
Henry W. Evans,  
And 5 others.

Which was referred to the Board of Public Improvements, together with the ordinance, petition, &c.

Mr. MacArthur presented the following petition :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN:—We the undersigned boss butchers, respectfully petition your honorable body to pass an ordinance prohibiting the sale of fresh meats during market hours, at any place in the city except the market houses or spaces.

Jacob Reiffée,  
Conrad Gardner,  
Chas. A. Howes,

John Shafer,  
John Riggs,  
And 23 others.

Mr. Coburn moved to lay the petition on the table.

Mr. MacArthur called for the ayes and noes.

The question being to lay on the table, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Geisel, Kappes and Seidensticker—8.

Those who voted in the negative were Councilmen Davis, Goddard, Henschen, Loomis, MacArthur, Stanton and Woodburn—7.

So the motion to lay on the table was adopted.

Mr. MacArthur introduced special ordinance No. 63—1867, entitled :

AN ORDINANCE to provide for paving with brick, and curbing the outside edges with Flat Rock stone, the north sidewalk on Washington street, where the same has not been already paved and curbed, between Mississippi and Missouri street.

Which was read the first time by its title.

Mr. MacArthur introduced general ordinance No. 96—entitled :

AN ORDINANCE to increase the salary of the Market Master.

Which was read the first time by its title.

Mr. Kappes asked and obtained leave of absence.

Mr. MacArthur presented the following resignation :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN :—I hereby respectfully decline the appointment of Register in the 4th Ward.

SAMUEL TAGGART,  
By J. B. MacArthur.

Which was accepted.

Mr. Seidensticker presented the following resignation :

INDIANAPOLIS, July 29, 1867.

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

On account of absence from the city I am compelled to resign as one of the Registers for the 9th Ward.

THOMAS D. AMOS.

Which was accepted.

On motion by Mr. Seidensticker, the Council then proceeded to elect Registers to fill vacancies in the different Wards, which resulted in the election of the following named persons :

From the Second Ward, Samuel Delzell.

From the Fourth Ward, Josiah Affantranger.

From the Ninth Ward, Nimrod Lowe.

Mr. Seidensticker presented the following remonstrance :

INDIANAPOLIS, July 23, 1867.

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

The undersigned petitioners would respectfully show that Biddle street, in the City of Indianapolis, extends from Winston street eastward about one

square in length, beyond the tracks and to the grounds owned by the Bellefontaine Railway Company; that your petitioners are citizens and tax payers of the said city, and are the owners of lots abutting upon and immediately adjoining said Biddle street and the alleys north and south of said street; that said street is only forty feet in width, and said alleys only fifteen feet in width, and they have no other means of access to and from their said lots, upon which they have built dwelling houses for themselves and families, than by said street and alleys. That they learn that said Railway Company has petitioned this Council and ask that said street and alleys, or portions thereof, may be vacated; that there are only eighteen lots abutting upon or adjoining said Biddle street, of which eighteen your petitioners are the owners of eleven, as will be seen by the plat; wherefore they earnestly remonstrate and protest against the granting of said petition and against the vacation of said street and alleys or any part or portion of any or all of them.

Chas. Buck, Ernest Deiter,  
J. J. Palmer, W. T. Pyne,  
Langsdale & Hamilton, And 3 others.

Which was laid over.

Dr. Woodburn offered the following motion:

That the petition of Samuel Miller for the erection of a stairway on the alley south of his new building be granted.

Which was adopted.

Mr. Coburn introduced special ordinance No. 64—1867, entitled:

AN ORDINANCE to provide for the erection of lamp-posts and fixtures on Michigan street, between Meridian and Pennsylvania streets,

Which was read the first time by its title.

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

#### REPORTS FROM BOARDS.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, July 29, 1867. }

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

GENTLEMEN:—The Board of Public Improvements to whom the matter was referred, would respectfully report to your honorable body, that we have examined the gutter on South New Jersey street, and in our opinion the only remedy for the overflow of property adjoining, will be to construct a culvert same as at the intersection of Washington street, viz: with stone walls covered with 2½ inch boards, at the points above named, from Washington street to a point 165 feet south, and from the Bellefontaine Railway Company's property, 170 feet north. The remainder of the gutter is well improved by the property holders. We would also request your honorable body to give the City Marshall orders to notify the Bellefontaine, Indiana Central and Union Railroad Companies to immediately clean out and enlarge their portion of said gutter or sewer so as to conform with the part on Washington street, and by so doing, we think the evil will be obviated.

Respectfully submitted.

JNO. B. MACARTHUR, }  
SAMUEL GODDARD, } Board.  
W. H. LOOMIS, }

Which was concurred in.

Mr. Seidensticker moved that the bid of the Indianapolis Gas Light and Coke Company, for the erection of lamp-posts, lamps and fixtures on McNabb street, between Meridian and Illinois streets, be referred to the Board of Public Improvements, with instructions to report immediately.

Which was adopted.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, July 29, 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 we find that Joseph Schwartzer is the best bidder on the work to be done on alley in square No. 32, his bid being 20c per lineal foot on each side.

That Richard Carr is the best bidder for grading and graveling Kentucky Avenue, his bid being \$1.24 per lineal foot on each side.

That Hiram Seibert is the lowest bidder to grade and gravel Cherry street, his bid being 64c per lineal foot each side.

Also, that Wm. Kown is the lowest bidder for bowldering Meridian street, between Ohio and New York streets, his bid being \$2.94 per lineal foot.

Also, that John Schier is the lowest bidder for grading and graveling St. Clair street and sidewalks between Peru Railroad and east Second street, his bid being \$1.14 per lineal foot on each side of street.

We would respectfully recommend that the above contracts be awarded.

JNO. B. MACARTHUR, }  
SAMUEL GODDARD, } *Board.*  
W. H. LOOMIS, }

Which was concurred in and contracts awarded.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, July 29, 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 we have found that Richard Carr is the lowest bidder on the work to be done on McCarty street, between Illinois and Tennessee streets, his bid being 60c per lineal foot on each side of street.

Also, that Chas. Roney is the lowest bidder for grading, paving and curbing west sidewalk of Pennsylvania street, his bid being \$1.00 per foot.

Also, that Wm. Kown is the lowest bidder to grade and bowlder the alley through square 55, between Market and Washington streets at 50c per lineal foot on each side of alley.

We recommend the above be awarded.

Respectfully submitted.

JNO. B. MACARTHUR, }  
SAMUEL GODDARD, } *Board.*  
W. H. LOOMIS, }

Which was concurred in and contracts awarded.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, July 29, 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 we find De-loss Root to be the lowest bidder for lamp posts and fixtures on South street, between New Jersey street and Virginia Avenue, and on East street, between Massachusetts Avenue and St. Clair street, his bid being \$33.75 for the heavy pattern and \$31.49 for the light, per post.

We would also recommend the profiles of the several streets as presented by the Engineer, to-wit: That of McCarty street between Illinois and Tennessee streets, St. Clair street from Peru Railroad to east Second street, Winston street from north side of Ohio to Washington street, Cherry street from Fort Wayne Avenue to Ash street, Gregg street from New Jersey street to East street.

Respectfully submitted.

JOHN B. MACARTHUR, }  
SAMUEL GODDARD. } *Board.*  
W. H. LOOMIS, }

Which was concurred in and contract awarded, and profiles approved.

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

OFFICE BOARD OF PUBLIC IMPROVEMENTS, }  
Indianapolis, July 29, 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 we find that the Indianapolis Gas Light & Coke Co., are the only bidders for the erection of lamp posts and fixtures on McNab street between Meridian and Illinois streets, their bid being \$33 for the light pattern, and \$35 for the heavy, and we recommend the contract be awarded to them.

Respectfully submitted.

JNO. B. MACARTHUR, }  
SAMUEL GODDARD, } *Board.*  
W. H. LOOMIS, }

Which was concurred in and contract awarded.

Mr. Seidensticker, from the Board of Police, made the following report:

INDIANAPOLIS, July 29, 1867.

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

We herewith submit to your honorable body a report and recommendation of the Chief of Police, and an ordinance embodying and enacting the same.

Respectfully.

AD SEIDENSTICKER, }  
W. H. LOOMIS. } *Board of*  
A. P. STANTON, } *Police.*

Which was received.

Also the following communication :

OFFICE CHIEF POLICE, }  
INDIANAPOLIS, July, 26, 1867. }

*Mr. A. Seidensticker, Chairman of Board of Police :*

SIR:—I think that to render the police force of the city more efficient, we should have three Lieutenants of Police, one to serve in day time and two in night time, the territory being so large that it is impossible for one Lieutenant to get over it in one night, and would ask that the change be made.

Respectfully,

THOMAS S. WILSON, *Chief of Police.*

Which was received.

Mr. Seidensticker introduced general ordinance No. 97—1867, entitled :

AN ORDINANCE proving for the appointment of a Third Lieutenant of Police, and making appropriation for his pay.

Which was read the first time.

Mr. Seidensticker, from the Committee on Revision of Ordinances, made the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, May 28, 1867. }

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

At a meeting of the Common Council of the City of Indianapolis, held on the 27th day of May, 1867, the following motion was adopted.

By order of the Common Council,

D. M. RANDELL, *City Clerk.*

That the Committee on Revision of Ordinances be instructed to inquire if any amendments are necessary to more clearly define the ordinances regulating the duties of the Board of Police and Board of Public Improvements.

INDIANAPOLIS, July 29, 1867.

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

In accordance with the above instructions, we herewith report an ordinance embodying the amendment deemed necessary by us.

Respectfully,

AD. SEIDENSTICKER, }  
THOMAS COTTRELL, } *Committee.*  
S. A. COLLEY, }

Which was received.

Mr. Seidensticker introduced the following general ordinance No. 98—entitled :

AN ORDINANCE establishing a Board of Public Improvements for the city of Indianapolis, defining its powers and duties, and regulating the construction of buildings within the city limits, and repealing conflicting ordinances.

SECTION 1. *Be it ordained by the Common Council of the City of Indianapolis, That it shall be the duty of the Common Council, at the first annual meeting*

in each year, to elect by ballot, from among its own members, three Commissioners of the Board of Public Improvements of the city of Indianapolis who shall serve for one year, or until their successors are elected and qualified.

SEC. 2. Such Board shall meet as often as once a year at the office of the City Clerk, and they shall select from among their number, a President of the Board, who shall serve for one year.

SEC. 3. The City Clerk shall be the Clerk of such Board, but shall receive no additional compensation for such services than the fees authorized and fixed by this ordinance.

SEC. 4. Said Clerk shall attend all meetings of the Board of Public Improvements, record their proceedings, keep all the necessary books, preserve all papers, profiles or plats filed in his office, and issue under his certificate and seal, all permits, licenses, and orders which he may, by the ordinances of the Common Council, and the directions of the Board of Public Improvements, be required, and to keep a register thereof.

SEC. 5. The said Board shall have charge of the execution of the orders of Council relative to the construction and repairs of public buildings, culverts, sewers and drains, the improvement of streets, alleys, sidewalks, parks, market spaces and public grounds: *Provided*, Said Board shall first submit their plans for all or any proposed work costing over fifty dollars, together with an estimate of the cost of the same, to the Common Council, and receive its approval: *And provided further*, They shall not incur expenditure from any of the objects named, except in accordance to appropriations made on express authority given by the Common Council.

SEC. 6. It shall be the duty of all officers or employees of the city, who may be ordered by the Common Council to do or have any work done of the character above named, to report to said Board for instructions, and to strictly comply with the direct instructions, unless the same are inconsistent with the city charter or ordinances. They shall make reports of their expenditures and operations to and file the same with the Board of Public Improvements, who are to embody the same, in whole or part, in their reports to the Common Council.

SEC. 7. The Civil Engineer shall project and lay before the Board of Public Improvements, plans for the construction, repairs or improvements of public buildings, streets, alleys, sidewalks, culverts, parks, market spaces, sewers, drains, and all other public works of the city which may be in contemplation, or which he may deem necessary for the public good or convenience, together with the estimated cost of the same. And said Board shall examine and consider all plans so proposed, and report such as they may approve to the Council, together with the estimated cost thereof, and their recommendations concerning the same. All applications for public improvements shall be made to the Council, and shall then be referred to said Civil Engineer and the Board of Public Improvements, unless otherwise ordered by the Common Council. And the Board shall report thereon to the Council, with plans and estimates for such as they may approve, and such additions or alterations as they may recommend. They shall also receive, and present for the approval of the Council, all proposals for constructing or performing any public work.

SEC. 8. Each Commissioner of said Board of Public Improvements shall receive as pay for their services upon said Board, the sum of two dollars for every regular weekly meeting of said Board, which they shall actually attend, to be paid quarterly as other officers of the city are paid, upon the certificate of the President of the Board, showing the number of meetings each Commissioner has attended.

SEC. 9. From and after the passage of this ordinance, it shall not be lawful for any person or persons to erect, construct or build, or cause to be erected, constructed or built, any brick, iron, stone or wooden house or building, barn or stable, out-house or shed, or any house, building, barn, stable, out-house or shed composed partly of brick, iron, stone or wood, or to alter any such building, or repair the same, if the cost of such repairs exceed twenty-five dollars, without first obtaining a permit from said Board of Pub-

lic Improvements, attested by the certificate and seal of the Clerk of said Board. The party receiving such permit shall pay to the Clerk a fee of 25 cents for each certificate issued in pursuance of the orders of said Board. Said Board shall also have power to grant the privilege, in such permits, to drive across sidewalks, or dig away earth from, or excavate cellars under or near the same, subject to such restrictions and requirements as the Board may see proper to give.

SEC. 10. When any person or persons are desirous of erecting, constructing, altering or repairing any house or building, he or they shall make application at the office of the Board of Public Improvements, for a permit for that purpose, and he or they shall be required to furnish a written statement of the proposed location, the materials to be used, the probable cost, the manner of construction of the building, and of the different stories, and also the use for which the same is intended, and if said proposed building or repair is in violation of the fire ordinance, or fire limits or any other ordinance, or if the manner of its construction, or the use for which it is intended is unsafe, or endangers surrounding buildings, such permit shall be refused by the Board; otherwise it must be granted.

SEC. 11. It shall not be lawful for any persons to remove, or attempt the removal, of any frame or wooden house, or building, from any point within the city limits, to any other point either within or outside of the city limits, or from any point outside of the city limits, to any point within the same, without first having obtained a permit of said Board of Public Improvement. Such permit shall be issued upon proper application being made as provided for in the preceding sections, and subject to the same restrictions, and shall specify the time within which, and the points from and to which such removal shall be made. But the Board of Public Improvements shall in no case issue a permit allowing the moving of any framed or wooden building before proof is presented to them that three days notice of such intended removal has been given to at least three property holders in the immediate vicinity of the lot on which such building is to be removed, nor in any case where the crossing of any bridge over the Canal or Pogue's Run is necessary.

SEC. 12. All permits issued in accordance to the preceding sections shall particularly specify the amount of space in the street in front of the lot or part of lot whereon said proposed building is to be erected, which is to be occupied by the builder with building materials; provided that no greater space than thirty feet wide, commencing at a point five feet from the outer edge of the sidewalk is to be allowed on any street ninety feet in width or wider, nor any greater space than fifteen feet wide, commencing at a point four feet from the outer edge of the sidewalk on any other street. No permit shall be issued allowing the placing of building materials upon any alley in such a manner as to obstruct the free passage of vehicles.

SEC. 13. Any person who shall erect or construct any house or building, or alter or repair any house or building, or remove any building, without first obtaining a permit as required in the preceding sections, or any person who shall fail to comply with the specifications or requirements of such permits, or who shall fail to comply with any other requirements of this ordinance, shall upon conviction thereof before the Mayor, be fined in any sum not less than five, nor more than fifty dollars, and any person who shall continue to erect, repair or remove a building without permit, after notice has been given him, or where such permit has been refused to him by the Board, shall for every day of such continued violation, be fined in an equal sum.

SEC. 14. It shall be the duty of the Clerk of the Board of Public Improvements to keep a register of all applications to construct, repair or remove buildings, showing the size, description and estimated cost of the same, the date of such application and of the granting or refusing each permit; and the Board of Public Improvements shall prepare therefrom and report to the Council at its second meeting in May of each year, a statement showing the number and cost of all the buildings authorized to be constructed, together with a statement of all the public improvements constructed within the year, and such other statistical information as they may see fit to present.

SEC. 15. The Chief Fire Engineer shall have full power to inspect all buildings in course of erection or when completed, and report to the Board of Public Improvements any that he may deem unsafe from any cause, and the Board of Public Improvements shall notify the owners and require them to make them safe from fires by correcting defective flues or otherwise, or from falling down, by strengthening the walls or otherwise; and any person failing or neglecting to comply with such notice or requirement for ten days or more, shall upon conviction before the Mayor, be fined in any sum not less than five nor more than fifty dollars, and for every days continued neglect or failure, after the first conviction, in the same amount.

SEC. 16. An ordinance establishing a Board of Public Improvements passed April 31st, 1864, and all other ordinances in conflict with the provisions of this ordinance are hereby repealed, but no action commenced under said ordinance or right of action accrued, shall be affected by this ordinance; and the Board of Public Improvements, elected under said repealed ordinance, shall remain in office and perform the duties prescribed herein until the next annual election.

SEC. 18. This ordinance shall take effect and be in force from and after its passage and publication once a week for four consecutive weeks in the Indianapolis Daily Journal.

Which was read the first time by its title.

Mr. Davis moved that the ordinance be printed in the proceedings, and that the matter be made the special order for the next meeting.

Which was adopted.

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

INDIANAPOLIS, July 29, 1867.

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

The Committee on Streets and Alleys to whom was referred the petition of Orin Aborn and others, beg leave to report the following resolution which they recommend be adopted.

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

Which was received.

Also, the following resolution:

*Resolved,* That the City Clerk be directed to give the notice required by law to the property owners, and also to the Commissioners on Streets and Alleys, that such Commissioners will be required to meet at the Council Chamber in Indianadolis, on Saturday, August 24, 1867, at 9 o'clock A. M., for the purpose of examining into the matters set forth in the petition of Orin Aborn and others, for the extension of Cherry street to Massachusetts Avenue, and to appraise and assess the benefits and damages that may be sustained by the extension of such street.

The ayes and noes being taken under the Charter, those who voted in the affirmative were Councilmen Brown, Burgess, Coburn, Colley,

Cottrell, Davis, Geisel, Goddard, Henschen, Jameson, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—15.

No Councilman voting in the negative.

So the resolution was adopted.

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

INDIANAPOLIS, July 29, 1867.

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

The Committee on Streets and Alleys to whom was referred the motion of Mr. Geisel "that the Civil Engineer be, and he is hereby directed to set stakes for six gas posts on each square on Massachusetts Avenue," report that they have examined the ordinance regulating the erection of lamp posts and are of the opinion that (except on Washington street) no more than four lamp posts can be placed on any street between any two streets crossing such street. The number cannot be increased without changing the ordinance.

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

Which was concurred in.

Mr. Geisel moved that the whole matter be referred to the Committee on Revision of Ordinances, with instructions to revise the Gas Ordinance, so that six posts be allowed on Avenues.

Dr. Woodburn called for the ayes and noes.

The question being on the adoption of the motion, those who voted in the affirmative were Councilmen Davis, Geisel, Henschen, Loomis, MacArthur and Stanton—6.

Those who voted in the negative were Councilmen Brown, Burgess, Coburn, Colley, Cottrell, Goddard, Seidensticker and Woodburn—8.

So the motion was not adopted.

Mr. Loomis, from the Committee on Benevolence, made the following report :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN:—Your committee beg leave to introduce the weekly report of the Superintendent of Hospital, together with an ordinance appropriating two hundred and seventy-eight dollars and seven cents (\$278.07) and the proper vouchers therefor, as also the reports of the City Hospital ending July 20th, and 27th, 1867.

All of which is respectfully submitted.

W. H. LOOMIS, *Committee.*

Which was concurred in.

Also, the following :

RECAPITULATION OF THE WEEKLY REPORT OF CONTENTS OF REGISTER OF PATIENTS OF CITY HOSPITAL, ENDING JULY 20, 1867.

Number of patients in Hospital at last report.....	12
Number of patients received in Hospital since last report .....	1
Number of patients born in Hospital since last report .....	0
Number of patients discharged from Hospital since last report.....	2
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report .....	11

Also, the following :

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

Number of patients in the Hospital at last report.....	11
Number of patients received in the Hospital since last report.....	7
Number of patients born in Hospital since last report .....	0
Number of patients discharged from Hospital since last report.....	2
Number of patients died in the Hospital since last report.....	1
Number of patients remaining in the Hospital at present.....	15

Which were concurred in.

Mr. Loomis introduced special appropriation ordinance No. 45—1867, entitled :

AN ORDINANCE appropriating moneys for the payment of sundry claims on account of the City Hospital for outfit and improvement,

Which was read the first time by its title.

REPORTS FROM CITY OFFICERS.

The City Attorney made the following report :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN:—I have the honor of reporting that I have examined the question referred to me as to whether the Council has the power under the Charter to grant to the owners of property fronting on any street or alley the privilege of constructing a stairway leading upward into an adjoining building, and am of opinion that the Council has the power of permitting the construction of such a stairway as will not be dangerous to passengers on such street or alley, and the exercise of such power is discretionary with the Council.

Respectfully submitted.

JAMES B. BLACK, *Deputy City Attorney.*

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }  
Indianapolis, July 29, 1867. }

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

GENTLEMEN:—The City Clerk would respectfully report the following affidavits filed in his office for the collection of street assessment, by precept, as follows :

James Rollings and John Huffer against Felix Keenan, for \$7.80.  
James Rollings and John Huffer against Charles Rosemeyer, for \$7.80.

And would recommend that you order the precepts to issue.

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

Which was concurred in.

The City Civil Engineer made the following report :

INDIANAPOLIS, July 29, 1867.

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

Permit me to make the following report :

In regard to the double arch culvert over Pogue's Run on McNabb street, I would say that the work does not fill the contract and specifications in every respect. Some of the stone are smaller than the contract and specifications call for, and the work is done in rather a rough manner. The foundation is well settled below the bed of the creek and the arch is well backed up to a point four feet above the spring of same, and the very best of mortar is used in the entire work. All the work is rough, yet I consider it strong and secure.

Also for the drainage of the north east portion of the city. I would recommend that the shape of the present ditch on Railroad street be so changed as to form a large gutter with a regular grade from Massachusetts Avenue to Pogue's Run, and that it be bowldered to prevent the earth from washing in and obstructing the passage of the water. Such a gutter would cost about ninety cents per lineal foot. A gutter 4 feet deep, 3 feet wide in bottom and 10 feet wide on top, would have capacity to pass  $19\frac{1}{2}$  feet of water, or the same as a sewer five feet in diameter.

Also, Joseph Bernaner, John Bly and Joseph Staub for grading and graveling New York street and south sidewalk between Alabama and New Jersey streets according to contract.

Length of north side	-	-	-	-	-	-	420 feet
Length of south side	-	-	-	-	-	-	420 feet
Total	-	-	-	-	-	-	840
At fifty-three cents per lineal foot	-	-	-	-	-	-	\$445 20
Length of sidewalk 420 feet at 25 cents per lineal foot	-	-	-	-	-	-	105 00
Total	-	-	-	-	-	-	\$550 20

Respectfully,

R. M. PATTERSON, *Civil Engineer.*

Which was concurred in.

Mr. Seidensticker moved that the part of the Civil Engineer's report referring to Railroad street, be referred to the Board of Public Improvements, with instructions to report an ordinance.

Which was adopted.

The City Auditor made the following report :

INDIANAPOLIS, July 29, 1867.

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

The City Auditor would respectfully report the following:

1st. The contract and bond of Richard Carr for grading and graveling Winst. The contract and bond of Richard Carr for grading and graveling Winst. street and sidewalks, between Washington and Ohio streets.

2d. The contract and bond of John Feary and Thomas Dillon for grading and paving the east sidewalk on Alabama street, between Massachusetts Avenue and North street.

3d. The contract and bond of Daniel Collins for grading and graveling the east sidewalk on East street, between Louisiana and South street.

4th. The contract and bond of D. Root for erecting lamp-posts, lamps and fixtures on Massachusetts Avenue, between New Jersey and Noble street.

5th. The contract and bond of John and William Cogill for grading and graveling Gregg street and sidewalks, between East and New Jersey streets.

First and final estimate allowed John Schier for grading and paving so much of the north sidewalk on Louisiana street, between Meridian and Illinois streets.

7th. An estimate of the cost of filling the gravel pit near the Peru track, between North and St. Clair streets, to a level two feet above the water; as it now stands it will take twenty-six hundred and ninety-one yards of dirt; to make the fill at sixty cents per yard would cost sixteen hundred and fourteen dollars and seventy-eight cents. The lots are owned by Sarah Snyder, and are valued at the sum of four hundred dollars.

8th. A communication was referred to me from McKernan and Pierce in relation to a lot sold for taxes of 1864 and 1865, in the name of Ruth Torbet. The delinquency occurred in this way; in 1863 the lot was owned by Calvin Fletcher, Jr., and he was living outside the city limits, at the nursery, and by mistake a copy of the list was made for the city, which should not have been done. About seventy dollars should be refunded to her.

Respectfully,

JOHN G. WATERS, *City Auditor.*

Which was concurred in.

Also, the following resolution:

*Resolved,* That the foregoing first and final estimate allowed John Scheir for grading and paving the north sidewalk on Louisiana street, between Meridian and Illinois 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 ayes and noes being called under the Charter, those who voted in the affirmative were Councilmen Brown, Colley, Geisel, Goddard, Hschen, MacArthur, Seidensticker and Woodburn—8.

Those who voted in the negative were Councilmen Burgess, Cottrell, Davis, Loomis and Stanton—5.

So the resolution was adopted.

The City Auditor introduced special appropriation ordinance No. 16—1867, entitled:

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

Which was read the first time by its title.

Mr. MacArthur then called up general ordinance No. 96, entitled :  
AN ORDINANCE to increase the salary of the Market Master,

Which was read the second time, and referred to the Committee on Finance.

Mr. Loomis called up special appropriation ordinance No. 44—1867, entitled :

AN ORDINANCE appropriating money to the National Singers' Festival, to be held in Indianapolis September 3d, 4th, 5th, 6th and 7th, 1867,

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

That the ordinance be referred to the City Attorney for his opinion as to whether the Council has power to make such appropriations from revenues raised for general city purposes by taxation.

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

Mr. Brown called for the ayes and noes.

The question being to lay the motion to refer on the table, those who voted in the affirmative were Councilmen Burgess, Colley, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker and Stanton—9.

Those who voted in the negative were Councilmen Brown, Cottrell and Woodburn—3.

So the motion to lay on the table was adopted.

Dr. Woodburn moved that the ordinance be referred to the Committee on Finance.

Mr. Seidensticker moved to lay the motion on the table, and called for the ayes and noes.

The question being to lay the motion to refer on the table, those who voted in the affirmative were Councilmen Burgess, Colley, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker and Stanton—9.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis and Woodburn—4.

So the motion to lay on the table was adopted.

Mr. MacArthur moved to amend by striking out \$2,000 and inserting \$1,500.

Which was adopted.

The ordinance was then read the second time and ordered to be engrossed.

Mr. MacArthur called up special ordinance No. 63—1867, entitled:

AN ORDINANCE to provide for paving with brick and curbing the outside edges with Flat Rock stone the north sidewalk on Washington street, where the same has not been already paved and curbed, between Mississippi and Missouri streets,

Which was read the second time and ordered to be engrossed.

Mr. Goddard called up special ordinance No. 62—1867, entitled:

AN ORDINANCE to provide for paving with brick and curbing the outside edges of the sidewalk with Flat Rock stone, the south sidewalk on Washington street, between Mississippi and Missouri streets,

Which was read the second time and ordered to be engrossed.

#### ORDINANCES ON THIRD READING.

Mr. Geisel called up special ordinance No. 53—1867, entitled:

AN ORDINANCE to provide for grading and graveling Charles street, between Peru and St. Clair streets, including the sidewalks,

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

The question being shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Stanton called up special ordinance No. 52—1867, 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 New York 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, Burgess, Colley, Davis, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—12.

Councilman Cottrell voting in the negative.

So the ordinance passed.

Dr. Woodburn called up special ordinance No. 57—1867, entitled :  
AN ORDINANCE to provide for the erection of lamp posts, lamps and fixtures complete, to burn gas, except the service pipe, on North street, between Illinois and Tennessee streets,

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Sedensticker called up special appropriation ordinance No. 44—1867, entitled :

AN ORDINANCE appropriating money to the National Singers' Festival, to be held in Iudianapolis September 3d, 4th, 5th, 6th and 7th, 1867,

Mr. Cottrell moved to postpone the ordinance until the next regular meeting.

Mr. Loomis moved to lay the motion on the table, and called for the ayes and noes.

The question being to lay the motion on the table, those who voted the affirmative were Councilmen Burgess, Colley, Geisel, Goddard, Henschen, Loomis, MacArthur and Seidensticker—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis, Stanton and Woodburn—5.

So the motion to lay on the table was adopted.

The ordinance was then read the third time and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Burgess, Colley, Geisel, Goddard, Henschen, Loomis, MacArthur and Seidensticker—8.

Those who voted in the negative were Councilmen Brown, Cottrell, Davis, Stanton and Woodburn—5.

So the ordinance passed.

Mr. Henschen called up special ordinance No. 56—1867, entitled :  
AN ORDINANCE to provide for grading the alley running east and west through out-lot 86, between Noble and Liberty streets,

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

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, MacArthur, Seidensticker, Stanton and Woodburn—12.

No Councilman voting in the negative.

So the ordinance passed.

By unanimous consent of the Council, Mr. Seidensticker called up special ordinance No. 58—1867, entitled:

AN ORDINANCE to provide for the paving with good, smooth, hard-burned brick the south sidewalk of McNabb street, between Meridian and Illinois streets,

Mr. Seidensticker moved to suspend the rules for the purpose of putting the ordinance on its third reading.

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

No Councilman voting in the negative.

So the rules were suspended.

The ordinance was then read the third time, and placed upon its passage.

The question being, shall the ordinance pass? those who voted in the affirmative were Councilmen Brown, Burgess, Colley, Cottrell, Davis, Geisel, Goddard, Henschen, Loomis, MacArthur, Seidensticker, Stanton and Woodburn—13.

No Councilman voting in the negative.

So the ordinance passed.

#### UNFINISHED BUSINESS.

Mr. Davis introduced special ordinance No. 65—1867, entitled:

AN ORDINANCE to provide for grading and graveling Muskingum street, between Michigan and Vermont streets, including the sidewalks,

Which was read the first time by its title.

Mr. MacArthur presented the following petitions :

INDIANAPOLIS, July 29, 1867.

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

GENTLEMEN:—Having petitioned your honorable body on the 8th inst., requesting that I be allowed to continue my work of grading and graveling on Tennessee street and sidewalks, and not yet having received orders to go to work, I now request that I be allowed to go to work at once, as I am continually at a loss, my teams lying idle, myself doing nothing, and paying heavy interest on money obtained to pay hands for work done on said street. I trust that the Common Council will at once give instructions to the City Engineer to set proper stakes on said street that I may complete my work while the season lasts. Some of the property holders on the street have paid me money on partial estimates, while the greater part refuse on the ground that the street is incomplete and will not pay until it is finished.

THOMAS WREN, Contractor.

Which was received.

Mr. Brown offered the following motion :

That the City Attorney be instructed to use every effort to secure a speedy trial of the injunction suits now pending in the matters of the straightening of Pogue's Run and of the bridge over the Canal at the crossing of St. Clair street.

Which was adopted.

Mr. Seidensticker moved that the Biddle street matter be made the special order for the next meeting.

Which was adopted.

Mr. Cottrell moved that when the Council do adjourn, it adjourn to meet on Wednesday at 2 o'clock, P. M.

Dr. Woodburn moved to amend by inserting Wednesday evening at 7½ o'clock.

Mr. Cottrell accepted the amendment, the vote not being taken on the original motion as amended.

On motion by Mr. Seidensticker the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST :

D. M. RANSELL, *City Clerk.*