

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE  
CITY OF INDIANAPOLIS,  
THURSDAY, OCTOBER 17TH, 1867, 7 O'CLOCK, P. M. }

The Common Council met in adjourned session.

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

Councilmen Coburn, Colley, Cottrell, Davis, Foster, Geisel, God-  
dard, Henschen, Jameson, Kappes, Loomis, MacArthur, Seidensticker  
and Stanton—14.

Absent—Councilmen Brown, Burgess, Schmidt and Woodburn—4.

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

ORDINANCES ON SECOND READING.

Mr. Davis called up special ordinance No. 93—1867, entitled:

AN ORDINANCE to provide for grading and graveling the alley running east  
and west through square 14, between Illinois and Tennessee streets.

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

Mr. Coburn called up special appropriation ordinance No. 61—  
1867, entitled:

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

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

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

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes called up special appropriation ordinance No. 59—1867, entitled:

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

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 Colley, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Stanton—12.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Kappes called up special appropriation ordinance No. 60—1867, entitled:

AN ORDINANCE appropriating moneys to the Ladies' Orphan Asylum.

Which was read the third time, and, on motion, was laid over temporarily.

Mr. Cottrell called up general ordinance No. 98—1867, 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.

Which was read the third time, and laid over temporarily.

Mr. MacArthur called up general ordinance No. 105, entitled:

AN ORDINANCE to amend section three of an ordinance entitled "an ordinance to provide for the compensation of city officers, and officers and members of the police force and fire department, for the fiscal year ending May 15, 1868."

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 Coburn, Colley, Cottrell, Davis, Fos-

ter, Geisel, Goddard, Henschen, Jameson, Kappes, Loomis, MacArthur and Stanton—13.

No Councilman voting in the negative.

So the ordinance passed.

Mr. Cottrell moved to suspend the rules, that the Board of Public Improvement ordinance be taken up.

The ayes and noes being demanded, those who voted in the affirmative were Councilmen Coburn, Cottrell, Davis, Foster, Geisel, Goddard, Henschen, Jameson, MacArthur, Seidensticker and Stanton—11.

Those who voted in the negative were Councilmen Colley, Kappes and Loomis—3.

So the motion to suspend the rules was not adopted, it requiring a two-thirds vote of all the members.

Mr. Davis offered the following motion :

That the Committee on the Revision of Ordinances be, and are hereby directed to report to this Council an ordinance providing that when a majority of the resident property owners on any square in the city, shall petition the Council to prevent the erection of frame buildings on said square, then said square shall be considered blocked, and then it shall then be unlawful to erect frame buildings on said square.

Mr. MacArthur offered the following amendment :

To amend by referring to the Committee on Fire Department, with instructions to form new fire limits.

Mr. Colley called for the ayes and noes.

Those who voted in the affirmative were Councilmen Cottrell, Davis, Geisel, Goddard, Henschen, Loomis, MacArthur and Seidensticker—8.

Those who voted in the negative were Councilmen Coburn, Colley, Foster, Jameson, Kappes and Stanton—6.

So the amendment was adopted.

Mr. Davis' motion, as amended, was then adopted.

Mr. Geisel presented the following petition :

INDIANAPOLIS, Oct. 16, 1867.

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

GENTLEMEN:—We the undersigned citizens would respectfully petition your honorable body to provide, and take measures, to compel the Citizens

Street R. R. Co. to keep their track, on corner of New Jersey street, and Fort Wayne Avenue, level with the street, so as the teams can pass over smoothly.

Goth, Brown & Co.,  
Wm. Craig,  
Jacob Traub,

Geo. W. Bennett,  
M. Bell,  
And twelve others.

Which was received.

In reference to which, Mr. Geisel offered the following motion :

That the street Commissioner be directed to notify the Street Railroad Company to level up between the tracks on New Jersey street and Ft. Wayne Avenue, so as to make it passable; also on Illinois north of Ohio.

Which was adopted.

Mr. Goddard presented the following communication :

INDIANAPOLIS, Oct. 7, 1867.

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

GENTLEMEN:—I send in my petition for liberty and power, to take the dirt &c., out of Pogue's Creek and put it on Irvin alley, which is in my addition of the south 110 feet, of out block No. 29, of the town plat, of the city of indianapolis, which I was informed by Councilman Foster was passed, for which favor except my thanks. In obedience to right given me, I expended thirty dollars and forty cents, and my time for superintending said work, was worth five dollars, which makes \$35.40, all of which I paid myself. The road is now passable. I would have made it better, but the water was let out of the Canal, and it overflowed the bed of the Creek. It needs to make it, as it should be, considerable fine gravel and dirt, and them that owns the balance of the lots along said alley, should be requested to put dirt and gravel on said alley, in order that they may bear their share of the expenses.

I submit this report, and ask to be discharged from more work at this time on said Irvin alley.

Respectfully,

JAMES GREER.

Which was laid on the table.

Mr. Kappes offered the following motion :

That the Street Commissioner be, and is hereby instructed to fill up the mud hole in the alley on the east side of Pennsylvania street and north of St. Clair.

Which was adopted.

Mr. Stanton offered the following motion :

That a committee of three be appointed to consult with the City Attorney in reference to the case now pending in the Marion Common Pleas Court against the city in favor of Huffer and with the City Attorney to employ additional counsel if deemed best, or to fix upon a basis of compromise that can be agreed upon. and to report the same to this Counsel for approval.

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

Mr. Loomis called for the ayes and noes.

Those who voted in the affirmative were Councilmen Coburn, Colley, Cottrell, Davis, Geisel, Goddard, Kappes and MacArthur—8.

Those who voted in the negative were Councilmen Henschen, Loomis, Seidensticker and Stanton—4.

So the motion to lay on the table was adopted.

By unanimous consent, Mr. Loomis made the following report :

INDIANAPOLIS, Oct. 16, 1867.

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

GENTLEMEN:—Your committee specially appointed, to whom was referred the *petition* of the Junction Railroad Company together with “an ordinance authorizing the Junction Railroad Company to occupy Maryland street from the east corporation line to Pogue’s Run and crossing other streets,” introduced October 14, 1867, and read and referred to your special committee.

Ask respectfully to report that we have examined the said petition and ordinance, as also the route over which the said Junction road is proposed to be run and are of the opinion that the right of way for the proposed Junction road should be granted as per the *petition and ordinance referred to us*.

Your committee therefore recommend the passage of the ordinance.

Respectfully submitted,

W. H. LOOMIS,	} Committee.
H. COBURN,	
WM. H. HENSCHEN,	

Which was received.

On motion by Mr. Cottrell, the following ordinance was ordered to be printed in the proceedings, and made the special order for the next regular meeting :

AN ORDINANCE authorizing the Junction Railroad Company, to occupy Maryland street, from the East Corporation line to Pogue’s Run, and crossing other streets.

SECTION 1. *Be it ordained by the Common Council of the city of Indianapolis,* That the Junction Railroad Company be, and are hereby authorized to lay down and maintain a single or double track of their Road, in and along Maryland street, from the East Corporation line of the city of Indianapolis, to the point where said street crosses Pogue’s Run, and to lay down and maintain said track or tracks across all streets and alleys crossed by said Maryland street, within the points above named.

SEC. 2. And said Railroad Company are also authorized to lay down and maintain the track of their said Road, Switches and Side tracks across South East street, South New Jersey street, Virginia Avenue, South Alabama street, and the alleys laying between the streets above named.

SEC. 3. That such track or tracks shall be so laid as not to interfere with, or vary the established grade of said streets, and shall be so planked at the crossings of the same, so as to obstruct as little as possible the ordinary travel on said streets, and that said track shall always be kept safe and passable, and in conformity to grade of streets.

SEC. 4. Said Railroad Company are further authorized to drive piling in, and construct their track across Pogue’s Run, at the point where their Road strikes the same, close to the crossing of East street, and drive like piling, and construct their track across the same, at the crossing of Virginia Avenue and Alabama street, provided, that said piles for each bent shall not be less

than fifteen feet apart, from center to center, and shall be so constructed as to interrupt as little as possible the regular flow of water in said stream, and proper skill and care to be used in constructing said crossing, and that it shall be so constructed that no overflow shall be occasioned thereby.

Mr. Cottrell offered the following motion :

That the City Attorney be authorized to employ at his discretion counsel to assist him in defending suits now pending against the city of Indianapolis.

Which was adopted.

On motion by Mr. Colley, fifty copies of the water works ordinance of the City of Indianapolis, was ordered to be printed in pamphlet form, for the use of the Mayor and Common Council.

His Honor, the Mayor, Daniel Macauley, offered the following motion :

That Wm. Glenn & Co. have permission to abate a nuisance by closing the entrance to the alley running north and south between Glenn's Block and Gramling's new building in a temporary manner, the same to be opened at the discretion of the Council,

Which was adopted.

On motion by Mr. Colley, the Council adjourned.

DANIEL MACAULEY, *Mayor.*

ATTEST :

D. M. RANDELL, *City Clerk.*