

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL }
OF THE CITY OF INDIANAPOLIS, }
Monday, May 22, 1871, 7½ o'clock P. M. }

The Common Council met as a Board of Equalization, pursuant to the following notice:

Notice is hereby given that, in pursuance of the provisions of Section 59 of the City Charter, "The Common Council, together with the City Clerk and City Assessor, will meet at the Council Chamber, in the City of Indianapolis, on Monday, May 22, 1871, at 7½ o'clock P. M., as a Board of Equalization, to hear and decide all complaints, (if there be any,) in relation to the City appraisements for the year 1871."

JOHN R. CLINTON,
City Clerk.

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

Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thal-Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—none.

The proceedings of the regular session, held May 15, 1871, were read and approved.

The City Clerk submitted the following report from the City Assessor:

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—I have this day returned to the City Clerk the appraisal of the taxable property of the City of Indianapolis, for the year 1871, amounting in the aggregate to \$27,453,880.00, and 8,293 polls.

Respectfully submitted,

WM. HADLEY,
City Assessor.

Which was received, and, on motion, the City Clerk proceeded to call the wards in their order, commencing with the First Ward, that the Council might hear and decide any complaints in relation to the assessment of 1871.

There being no complaints filed, on motion, by Dr. Woodburn, a special committee of five was appointed to act in conjunction with the Assessor and City Clerk to receive and consider all complaints that may be filed in regard to the assessments of 1871.

His Honor, the Mayor, appointed as such Committee, Councilmen Woodburn, Brown, Bigham, Craft and Marsee.

Mr. Batty introduced special ordinance No. 56, 1871, entitled: An ordinance to provide for grading and graveling Pennsylvania street, between Second and Tinker streets.

Mr. Batty introduced special ordinance No. 57, 1871, entitled:

An ordinance to provide for grading and paving with brick the sidewalks of Pennsylvania street, between Second and Tinker streets, and curbing the outside edges thereof with stone.

Which was read the first time.

Mr. Thoms introduced special appropriation ordinance No. 25, 1871, entitled :

An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Which was read the first time.

Mr. Craft introduced special ordinance No. 55, 1871, entitled :

An ordinance to provide for grading and paving with brick the east sidewalk of East street between New York and North streets.

Which was read the first time.

The Civil Engineer made the following report :

INDIANAPOLIS. May 15, 1871.

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

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

To James Mahoney, for grading and graveling Walnut St., and sidewalks from Liberty to Noble street.

Length on north side.....	404 ft. 11 in.	
Length on south side.....	404 ft. 11 in.	
	<hr/>	
Total length.....	809 ft. 10 in.	
At 33½ cents per lineal foot.....		\$271 29

Also, Hampton Clark, a partial estimate for planting and boxing shade trees on the following streets :

On Tennessee street, from Ohio to Seventh street,	
144 trees and boxes, at \$1.58 per tree and box,	\$227 52
On Mississippi street, from Ohio to Seventh St.,	
297 trees and boxes, at \$1.58 per tree and box..	469 26

Total estimate.....	\$696 78
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Also, to James W. White, for planting and boxing shade trees on Walnut, Broadway and East streets.

On Walnut street, 48 trees and boxes, at \$2 per tree and box.....	\$96 00
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On Broadway 83 trees and boxes, at \$2 per tree and box.....	166 00
On East street, 29 trees and boxes, at \$2 per tree and box.....	58 00
Total estimate.....	<u>320 00</u>

Respectfully submitted,

R. M. PATTERSON,

Civil Engineer.

Which was concurred in.

The Chief Fire Engineer made the following report :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—The Chief Fire Engineer would respectfully report the following cisterns as finished according to contract, and would recommend that a final estimate be allowed Dewey & Twinane. contractors, as follows :

The one at the corner of East and Dougherty streets, I have filled three times, and pumped it empty twice.

The one at the corner of West and McCarty streets, I have filled three times, and pumped it empty once.

The one at the Glass Works, I have filled three times, and pumped it empty once.

One at the corner of Massachusetts avenue and Peru street, I have filled once.

The one at the corner of Jackson and Butler streets filled twice, pumped it out twice.

Respectfully submitted

DAN. GLAZIER,

Chief Fire Engineer.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—The City Clerk would respectfully report that the following affidavits are on file in his office for the collection of street assessment by precept as follows : James Mahoney vs. C. C. Ferguson's heirs for \$35.27½. And would recommend that you order the precept to issue.

Respectfully submitted,

JOHN R. CLINTON,

City Clerk.

Which was concurred in.

The City Attorney made the following report :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—As directed by the Common Council at its last meeting, I herewith report the accompanying contract between David Streif and the City in reference to the removal of dead animals from the city, and a bond in the penal sum of one thousand dollars, payable to the city, executed by said Streif and Albert Reissner and Ferdinand Deitz as his sureties, conditioned that said Streif shall perform, and comply in all respects with, said contract. The contract and bond are properly executed, and I recommend that they be approved.

J. S. HARVEY,

City Attorney.

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

The City Commissioners made the following report :

INDIANAPOLIS, IND., April 22, 1871.

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

GENTLEMEN—The City Commissioners have considered the petition for the opening of Market street from Arsenal avenue to the

Corporation Line, referred to us by your honorable body, and, after inspection of the premises, we report it back for further instructions, or for an amended petition and order of reference.

Under the present order we are required to assess the benefits and damages of such opening, but the order gives no width location or direction for the proposed street, to guide our action. We presumed that the width, direction and location of Market street at its present terminus in Davidson's 1st Add'n was intended to govern the new street or extension; but, on examination, we found the street which answers to Market street in Ridenour's Addition, to be forty-eight or fifty feet wide, and its course and direction (so far as we can judge) do not correspond with Market street, as it now ends in Davidson's Addition. Under the circumstances, we deferred taking any final action on the present petition and order, and report to your honorable body for further instructions in the matter.

If it be not presumptuous, we would recommend that a new petition be filed, asking the extension of Market street, 60 feet wide, east, from its present terminus in Davidson's first addition, to the Corporation Line, such extension to be on a line parallel to the Section Lines. If this be done, it will be easy to make a satisfactory assessment, and the whole line of the street can be fixed and opened at once. It would also govern the direction of all extensions to the eastward of the streets north of it, and prevent, in a great measure, any irregularity in the size of squares, and the course, length and width of streets in the region of the National Road.

Respectfully submitted,

WILLIAM S. HUBBARD.
JOSEPH M. SUTTON,
SAMUEL M. SEIBERT,
IGNATIUS BROWN,
J. F. RAMSAY.

Board of City Com.

Which was concurred in.

The City Commissioners made the following report:

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—Your honorable body having referred a petition asking the opening of Christian avenue, from Peru street to the

Pendleton Road, to us for our action. We have inspected the premises, and, after due consideration of the case, submit the following report and assessment of the damages and benefits arising from the opening of said avenue, as prayed for in said petition.

The opening of said street will take portions of lots 1, 2, 3, 4 and 5, in E. S. Alvord's re-division of E. T. and S. K. Fletcher's sub-division of the south-west quarter of section 31, town 16, range 4 east—the portions so taken being a strip 60 feet in width, extending eastward and diagonally across said lots, and between Peru street and the Pendleton Road. The ground is low and unfavoraable, and of far less value than the neighboring region. The only damage sustained by the property owners is the actual cash value of the strip taken, and we think the benefits are confined to the adjoining lots, and to the lots on each side of Christian avenue, extending westward, on said avenue as far as Broadway, the benefits diminishing as they go westward.

We assess damages to the following named persons, for the value of the portions taken in the following described lots. The portions so taken are, in each case, of irregular shape, and found by running the north and south lines of said avenue on their direct easterly course across said lots.

To Elijah S. Alvord, for part of lot 1, in E. S. Alvord's re-division of Fletcher's sub-division of part of s. w. qr. sec. 31, town 16, range 4 east.....	\$125 00
To Elijah S. Alvord, for part of lot 2, of above sub-div.....	275 00
To Elijah S. Alvord, for part of lot 3, of above sub-div.....	275 00
To Elijah S. Alvord, for part of lot 4, of above sub-div.....	75 00
To Elijah S. Alvord, for part of lot 5, of above sub-div.....	25 00
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Total damages.....	\$775 00

We assess the benefits on the neighboring property, and other lots on Christian avenue to the westward, as far as Broadway, as follows :

To Elijah S. Alvord, on lot 1, in E. S. Alvord's re-division of Fletcher's sub-div., of s. w. qr. of sec. 31, town 16, range 4 east	\$10 00
To Elijah S. Alvord, on lot 2, same sub-div. as above.....	—
To Elijah S. Alvord, on lot 3, same sub-div. as above.....	—
To Elijah S. Alvord, on lot 4, same sub-div. as above.....	15 00

To Elijah S. Alvord, on lot 4, same sub-div. as above.....	25 00
To Granville Lever on lot 106, Alvord & Co's 3d sub-div, of Butler & Fletcher's addition, in s. e. qr. sec. 31, town 16, range 3-east.....	27 00
To John Cavin, on lot 105, same sub-div. as above.....	27 00
To Sidney H. Johnson, on lot 104, same sub-div. as above.....	26 00
To E. S. Alvord & D. Stevenson, on lot 107. same sub-div. as above.....	27 00
To E. S. Alvord & D. Stevenson, on lot 108, same sub-div. as above.....	27 00
To Joseph Stumph, on lot 109, same sub-div. as above.....	26 00
To David Fetrow, on lot 69, Alvord & Co's sub-div. of Butler & Fletcher's sub-div. of Butler's addition, in s. e. qr. sec. 36, town 16, range 3 east.....	17 00
To Catharine White, on lot 68, of above sub-div.....	17 00
To Daniel Vielhaver, on lot 67, of above sub-div.....	16 00
To Boswell Ward, on lot 66, of above sub-div.....	16 00
To Joseph Brown, on lot 65, of above sub-div.....	16 00
To Marion Ward, on lot 64, of above sub-div.....	16 00
To M. M. Dewey, on lot 63, of above sub-div.....	15 00
To W. M. McKay on lot 62, of above sub-div.....	15 00
To Emily E. G. Lakin, on lot 14, of Alvord & Co's sub-div. of Butler's 2d addition, in s. e. qr. sec. 36, town 16, range 3 east	17 00
To C. F. Jenkin, on lot 13, of above sub-div.....	17 00
To Daniel Thomas, on lot 12, of above sub-div.....	16 00
To Caroline A. Mueller, on lot 11, of above sub-div.....	16 00
To M. E. Minthorne, on lot 10, of above sub-div.....	16 00
To Samuel Hanway, on lot 9, of above sub-div.....	16 00
To J. Schulthias, on lot 8, of above sub-div.....	15 00
To Joseph W. Davis, on lot 7, of above sub-div.....	15 00
To the Presbyterian Church on lot 6, of above sub-div.....	13 00
To the Presbyterian Church on lot 5, of above sub-div.....	13 00
To Columbia J. Kercheval, on lot 4, of above sub-div.....	12 00
To Columbia J. Kercheval, on east $\frac{1}{2}$ lot 3, of above sub-div..	6 00
To Michael J. Bunger, on west $\frac{1}{2}$ lot 3, of above sub-div.....	6 00
To Michael J. Bunger, on lot 2, of above sub-div.....	11 00
To Marv Barr, on lot 1, of above sub-div.....	11 00
To Mary Barr, on lot 59, in Butler's 2d add.....	10 00
To A. Romerill, on lot 25, Alvord & Co's sub-div. of Butler & Fletcher's sub-div. of part of Butler's addition, in sec. 36, town 16, range 3 east.....	13 00

To Sidney H. Johnson, on lot 24, same sub-div. as above.....	12 00
To Sidney H. Johnson, on lot 23, same sub-div. as above.....	12 00
To Charles Gresil, on lot 22, same sub-div. as above.....	12 00
To W. J. Abrams, on lot 21, same sub-div. as above.....	11 00
To W. J. Abrams, on lot 20, same sub-div. as above.....	11 00
To W. D. Wiles, on lot 19, same sub-div as above.....	10 00
To Allen R. Benton, on lot 58, in Butler's 2d additon, in s. e. qr. sec. 36, town 16, range 3 east.....	7 00
To Allen R. Benton, on lot 57, of above sub-div.....	7 00
To Ovid Butler, on lot 56, of above sub-div.....	7 00
To Ovid Butler, on lot 55, of above sub-div.....	6 00
To Ovid Butler, on lot 54, of above sub-div.....	6 00
To Isabella Rawlings, on lot 53. of above sub-div.....	5 00
To Demia Thrasher, on lot 52, of above sub-div.....	5 00
To C. C. Mick, on lot 51, of above sub-div.....	4 00
To Gustavous Voss, on lot 50, of above sub-div.....	4 00
To John H. Batty, on 80 feet on Cristian avenue, by 192 feet north on the s. e. cor. of lots 28 and 29, in C. Fletcher's ad- dition; of Butler & Fletcher's addition, in s. e. qr. sec. 36. town 16, range 3 east.....	14 00
To Andy J. Tarleton, on 60 feet by 192 feet in lots 28 and 29 in the sub-div. above named, and just west of Batty's lots..	10 00
To Richard M. Cosby, on 60 feet on Christian avenue by 192 north in lots 28 and 29, in the above named sub-div.. just west of.....	9 00
To Charles P. Jacobs, on 40 feet on said avenue by 102 feet north, in said lots 28 and 29, in said sub-div.. and just west of	6 00
To Henrietta Colgan, on 40 feet on said avenue by 192 feet deep, on the s. w. corner of lots 28 and 29, in 2d sub-div., just west of C. P. Jacobs.....	5 00
To Minnie Smith, on lots 46 and 47, Butler's addition, in the s. e. qr. sec. 36, town 16, range 3 east.....	5 00
To Thos R. Shea, on lot 48, in the above sub-div.....	2 00
To Silas Blount, on lots 45, 44 and 43, in the above named sub-div.....	5 00
To Allen R. Benton, on lot 87, in Butler's addition, in s. e. qr. sec. 36, town 16, range 3 east.....	20 00
To J. B. Cleveland, on 83 feet 10 in. on Christian avenue, by 90 feet deep in s. e. cor. of lot 88, Butler's addition, in s. e. qr. sec. 36, town 16, range 3.....	10 00

To N. N. Walker, on 83 feet 10 in. on Christian avenue, on the s. w. cor. of lot 88, Butler's addition, in s. e. qr. sec. 36, town 16, range 3 east.....	8 00
Total benefits.....	\$775 00

The benefits, therefore, off-set the damages.

The improvement is strictly local in its benefits, and we think the city of Indianapolis should pay no part of the damages assessed.

Respectfully submitted,

WILLIAM S. HUBBARD,
SAMUEL M. SEIBERT,
IGNATIUS BROWN,
SEOPH M. SUTTON.
Board of City Com.

Which was received and referred to the City Attorney.

The City Commissioners, also, made the following report :

INDINAPOLIS, May 22. 1871.

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

GENTLEMEN—The Board of City Commissioners were notified by the City Clerk to meet at his office at 9 o'clock A. M., May 17, 1871, to assess damages and benefits, in the opening of Fifth street to Meridian street, in St. Clair's addition. At the time appointed, no parties interested in the matter were present, and the Board adjourned the case till the 22d of May, at 2 o'clock P. M., at the City Clerk's office.

The Board met to-day, pursuant to adjournment, to make the assessment in the case, but, on examination of the proceedings of the Common Council, it was discovered that no order of reference of the matter had been made to us by the Council, and that we had no power to act in the case.

We, therefore, report the whole case back to the Council for further instructions.

Respectfully submitted,

WILLIAM S. HUBBARD,
IGNATIUS BROWN,
JNO. F. RAMSAY,
JOSEPH SUTTON,
SAMUEL SEIBERT,
Board of City Com.

Which was received.

Dr. Woodburn moved that the City Clerk notify the City Commissioners and property holders interested, of the pendency before the Common Council of a petition asking that Fifth street be opened through the part of St. Clair's addition, which lies between Drake's addition and Meridian street, to Meridian street.

Which was adopted.

On motion by Mr. Kennington, the report of the City Commissioners, made to Council May 15, 1871, in regard to the opening of Union street through out-lot 25, was concurred in.

On motion, the report of the City Commissioners, made to Council May 15, 1871, on the matter of opening Willard street from Blake alley to the Michigan road, was concurred in by the following vote:

Affirmative—Councilman Batty, Bigham, Brown, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Thoms, Weaver, Whitsit and Wiles—14.

Negative—Councilmen Cottrell, Craft, Newman and Woodburn—4.

On motion, the report of the City Commissioners, made to Council May 15, 1871, in the matter of opening or extending Arsenal avenue, from Blake alley to the Michigan road, was concurred in by the following vote:

Affirmative—Councilman Batty, Bigham, Brown, Gimber, Heckman, Kennington, Locke, Reagan, Thalman, Thoms, Wiles and Woodburn—12.

Negative—Councilmen Cottrell, Craft, Marsee, Newman, Weaver and Woodburn—6.

On motion, the report of the City Commissioners, made to Council May 15, 1871, in the matter of opening Blackford street, from North street to Indiana avenue, was concurred in.

The City Clerk made the following report :

The City Clerk respectfully reports to Council

FIRST.

First and final estimate allowed Hiram Seibert for grading and graveling the first alley east of Illinois street, running north and south, between Chesapeake alley and Georgia street.

SECOND.

First and final estimate allowed James Mahoney for grading and graveling Garden street and sidewalks, from Meridian to Illinois street.

THIRD.

First and partial estimates allowed W. H. Johnson, for planting and boxing shade trees on California street, from Vermont to St. Clair street—on Fayette street, from North to St Clair street—on North street, from Missouri to Blake street.

FOURTH.

Bond of indemnity of James W. White, securing the property holders on North Illinois street, from any loss they may sustain in the trees not growing, which he planted there according to contract, and which may die.

FIFTH.

Contract and bond of Samuel Hanway & Co., for grading and graveling the first alley north of Massachusetts avenue, running from Plum to Oak streets.

Respectfully submitted,

JOHN R. CLINTON,

City Clerk.

Which was concurred in, and bonds approved.

Also the following resolution :

Resolved, That the foregoing first and partial estimates allowed W. H. Johnson for planting and boxing shade trees on California, on Fayette street, on North street and on Vermont street be and the same are 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.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—Councilmen Cottrell and Newman—2.

Also the following resolution :

Resolved, That the foregoing first and final estimate allowed Jas. Mahoney for grading and graveling Garden street and sidewalks, from Meridian to Illinois 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 to their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—Councilmen Cottrell and Newman—2.

Also the following resolution :

Resolved, That the foregoing first and final estimates allowed Hiram Scibert for grading and graveling the first alley east of Illinois street running north and south, between Chesapeake alley and Georgia street, be and the same is hereby adopted as the estimate of this

Council, and that the property owners are hereby required to pay sums set opposite to their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—Councilmen Cottrell and Newman—2.

The City Attorney made the following report :

INDIANAPOLIS, IND., MAY 22, 1871.

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

GENTLEMEN—The undersigned, City Attorney, to whom was referred the majority and minority reports of the Committee on Railroads, in relation to the occupancy of Georgia street, between West and Helen streets, by the side-tracks of the Indianapolis & St. Louis Railroad Company, with instructions to report as to the power of the Council to remove the switches, reports that he has examined both reports, and also the ordinance permitting said company to construct two side-tracks on Georgia street, between the east side of West street and the west side of Helen street, in the City of Indianapolis.

The Common Council had, undoubtedly, the power to pass said ordinance, and, unless the construction of the side-tracks or switches would virtually vacate the street at that point, by so obstructing it as to deprive the citizens, and especially the owners of lots bordering or abutting on the street where obstructed of the use thereof as a public highway, and if the street is not so obstructed, it would have the appearance of bad faith, if after the acceptance of the ordinance, and compliance with its terms and conditions by the Railroad Company, the Common Council should cause the side-tracks or switches to be removed. Yet the weight of authority seems to be that a Common Council cannot pass an irrepealable ordinance of the character of that under consideration, which the law presumes is known not only to the citizen but to corporations as well.

But, if the side-tracks so obstruct the street as to deprive the public of the use thereof as a public highway, the ordinance authorizing such obstruction is invalid.

"Attempts have frequently been made by legislative enactments to divert public property from the objects to which it had been dedicated, and as often have such acts been held to be invalid, when found to infringe upon private rights." *Haynes v. Thomas*, 7 Ind. 43. and authorities there cited.

"The right to use a street, in a town, adjoining a lot abutting upon it, is as much property as the lot itself; and the legislature has as little power to use the one as the other." *Haynes v. Thomas, supra. Tate v. The Ohio & Mississippi R. R. Co.* 7 Ind. 480.

* * * "The legislature have no power to authorize, in any case, either a direct or consequential injury to private property without compensation to the owner." *The Evansville & Crawfordsville R. R. Co. v Dick.* 9 Ind. 436.

The foregoing is supported by authorities too numerous to cite.

The undersigned is therefore of the opinion that the Common Council may, in its discretion, either cause the side-tracks or switches to be removed, or leave the parties to their remedy at law.

J. S. HARVEY,
City Attorney.

Which was concurred in.

The Civil Engineer presented the profile of Delaware street from St. Mary's street to the corporation line north.

Which was adopted.

ORDINANCES ON SECOND READING.

On motion, special appropriation ordinance No. 24, 1871, entitled:

An ordinance appropriating money for the use of the Street Commissioner.

Was read the second time and ordered engrossed.

Special appropriation ordinance No. 20, 1871, entitled:

An ordinance appropriating ten thousand dollars to the Indianapolis Agricultural, Mechanical and Horticultural Association, specifying the amount and conditions of the within appropriation.

Was read the second time.

Mr. Brown moved to strike out \$10,000, and insert \$5,000.

Mr. Newman called for a division of the question.

The question was then put on striking out \$10,000.

Which was adopted.

The question then being on the adoption of the motion to insert \$5,000. the ayes and noes were demanded.

Those who voted in the affirmative were :

Councilmen Brown, Cottrell, Craft, Gimber, Kennington, Locke, Marsee, Reagan, Thalman and Whitsit—10.

Those who voted in the negative were :

Councilmen Batty, Bigham, Heckman, Newman, Thoms, Weaver, Wiles and Woodburn—8.

So the motion to insert \$5,000 was adopted.

Mr. Newman moved to strike out all except the ordaining clause.

Which was lost by the following vote :

Affirmative — Councilmen Bigham, Heckman, Newman, Thoms, Weaver, Wiles and Woodburn—7.

Negative—Councilmen Batty, Brown, Cottrell, Craft, Gimber, Kennington, Locke, Marsee, Reagan, Thalman and Whitsit—11.

The question then being, shall the ordinance be engrossed.

Those who voted in the affirmative were :

Councilmen Brown, Cottrell, Gimber, Kennington, Locke, Marsee, Reagan, Thalman and Whitsit—9.

Those who voted in the negative were :

Councilmen Batty, Bigham, Heckman, Newman, Thoms, Weaver, Wiles and Woodburn—8.

Mr. Craft being excused from voting.

So the ordinance was ordered engrossed.

Mr. Thalman presented the following petition :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—Charles Helwig, your petitioner, would respectfully pray your honorable body that his property on lot 33, square 29, between Ellsworth street and the canal, 118 feet long, and so much thereof as fronts on West New York street, is about to be improved by a brick sidewalk. Now your petitioner would most respectfully represent to your honorable body that a brick sidewalk would be of no utility whatever to the city, and especially a great damage to the petitioner ; and he would further say that a wooden sidewalk might be laid down that would equally well answer pedestrians and the petitioner, for which he agrees to pay the contractor the same amount it would cost for a brick sidewalk, when in fact it would cost less in labor and material ; or he would agree to build it himself under direction of the Council and City Engineer, at his own expense. And for this he will, as in duty bound, ever pray, etc.

CHARLES HELWIG.

Which was received, and the prayer granted.

General ordinance No. 22, 1871, entitled :

An ordinance providing for the management of the City of Indianapolis.

Was read the second time.

Mr. Wiles moved that the ordinance be stricken from the files.

The ayes and noes being demanded, those who voted in the affirmative were :

Councilmen Batty, Bigham, Craft, Locke, Newman, Thalman, Thoms, Weaver and Wiles—9.

Those who voted in the negative were :

Councilmen Brown, Cottrell, Gimber, Heckman, Kennington, Marsee, Reagan, Whitsit and Woodburn—9.

There being a tie vote, his Honor, the Mayor, voted in the affirmative.

So the motion to strike from the files was adopted.

Mr. Brown offered the following resolution :

Resolved, That the following persons, hereinafter named, be appointed Inspectors and Judges of the election, to be held in the respective school districts of the city, on Saturday the 10th of June, 1871 :

FIRST DISTRICT.

INSPECTOR—Leonidas M. Phipps,
JUDGES—Leon Kahn and George Northway.

SECOND DISTRICT.

INSPECTOR—Joseph M. Sutton.
JUDGES—W. C. Smock and Franklin Landers.

THIRD DISTRICT.

INSPECTOR—William M. Blake.
JUDGES—James H. Hedges and Geo. W. Geiger.

FOURTH DISTRICT.

INSPECTOR—Henry Cox.
JUDGES—Henry Albro and Calvin A. Elliott.

FIFTH DISTRICT.

INSPECTOR—Samuel Lefever.

JUDGES—D. A. Strickland and Robert McGill.

SIXTH DISTRICT.

INSPECTOR—John S. Russell.

JUDGES—George Koeniger and Benedict Fisher.

SEVENTH DISTRICT.

INSPECTOR—Henry C. Adams.

JUDGES—Wm. A. Ketcham and A. Naltner.

EIGHTH DISTRICT.

INSPECTOR—Mahlon D. Steacy.

JUDGES—Hiram Seibert and Frederick Hartman.

NINTH DISTRICT.

INSPECTOR—Samuel Seibert.

JUDGES—Joseph Staub and Oliver Keeley.

Resolved, That the City Clerk give the requisite notice of such election, and also include in such notice a copy of the city ordinance establishing school districts.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Negative—none.

Mr. Craft offered the following motion :

Moved, That the Street Commissioner be ordered to build on the lot recently purchased for the Engine House on Massachusetts avenue, a hog-pen for the impounding of hogs by the City Marshal.

Which was adopted.

Mr. Heckman presented the following petition :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—We, the undersigned, citizens and tax-payers of the Eighth Ward, irrespective of party, do most respectfully but earnestly petition your honorable body to have our old and most efficient policeman, Michael Louney, reinstated.

Mr. Louney has always been ever watchful and vigilant in the discharge of his duty, and was always to be found at his post in time of need.

We are not aware of the cause of his removal from the force, but we are satisfied in our minds that no good and sufficient cause existed to warrant such removal.

Knowing and appreciating his services as we of the Eighth Ward only can, we would request your honorable body to take such action as will lead to the reinstatement of Michael Louney as policemen for the Eighth Ward. And we will ever pray, etc.

H. SEIBERT,
GEO. DAVIDSON,
P. R. FITZPATRICK,
And 84 others.

Which was referred to the Board of Police.

His honor the Mayor presented the following invitation :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—We take pleasure in inviting you to attend the laying of the corner-stone of the German Protestant Orphan Association, in Indianapolis, to take place on next Sunday the 28th day of May.

By order of the Committee of Arrangements.

CHARLES SCHMIDT,
Secretary, pro tem.

Which was accepted.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, May 18, 1871.

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

GENTLEMEN—We request that the main pipes of the water works be extended up Illinois to Tinker street for protection and use in case of fire. This quarter of the City needs some protection from the spread of fire very much. Your attention is respectfully called to this matter.

Yours.

G. H. VOSS,
J. BARNARD,
D. M. TAYLOR,
CAL. DARNELL,

Also the following motion :

Moved, That the Chief Fire Engineer be directed to locate one hydrant to each square on Illinois street between Pratt and Seventh streets, as soon as the Water Works Co., shall lay the mains on the same. The same to be done in accordance with the report of the Water Works Committee.

Which were referred to the Committee on Water Works.

Mr. Batty offered the following motion :

Moved, That the Street Commissioner be instructed to clean up the Market square, and put in new curbs where the old ones have worn out.

Which was adopted.

Also the following motion :

Moved, That permission be and the same is hereby granted to Joseph K. Sharpe, to grade and gravel the street and sidewalk in front of his property, on east side of North Pennsylvania street, between First and Second streets, the same to be done at his own expense, and under the direction of the City Civil Engineer, and that the Civil Engineer be directed to set the grade stakes.

Which was adopted.

Mr. Marsee offered the following motion :

Moved. That the Chief Fire Engineer be directed to examine and report whether the Water Works Company have located their plugs for fire purposes, as directed by this Council.

Which was adopted.

Mr. Thoms offered the following motion :

Moved. That Charley Rossman have permission to grade and pave with brick nine feet wide on the inside his sidewalk in front of his property on the National road, the same to be done in ninety days, and the City Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Brown offered the following motion :

Moved. That the City Marshal notify the owners of the lots bordering on the east sidewalk of Illinois street, between Washington and Louisiana streets, that unless the brick pavement be repaired within twenty days, at their expense, that the said repairs will be made by the Street Commissioner, and collected of them.

Which was adopted.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—The undersigned, owning lots Nos. 48 and 52, out-lot 108 (Roset's sub div.) respectfully requests your honorable body to grant them the privilege of paving the side-walks in front of said lots, and that the Council direct the Civil Engineer to set the grade stakes for the same. For which your petitioners will ever pray, &c.

The said lots are located on the west side of South East street, directly opposite the western terminus of Buchanan street.

Very respectfully,

JACOB SEIFERT,
WM. SULLIVAN,

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell presented the following petition :

INDIANAPOLIS. May 22, 1871.

To the Mayor and Common Council of the City Indianapolis:

GENTLEMEN—We, the undersigned, citizens of the Seventh Ward, and owning property on the east side of Delaware street, respectfully represent, that we have been paying taxes. Some of us for years on property on said street, and have before petitioned your honorable body to have the gutter on said street bowldered, curbing put in, and sidewalks paved, but to the present time have failed to have anything done for us. We suppose it was because two squares on the east side of said street is owned and occupied by railroads, and one other square is owned by a wealthy family, and used as a lumber yard. We also suppose that being men of small means, we could bowlder our gutter, have curbing put in, and have our sidewalk properly paved from South to Wyoming street, but we do not desire to have that part of the street so improved, at great expense to us, and then be compelled, after leaving our sidewalks, to then walk in the mud three squares in order to get to the center of the city. Again, we think that because the railroads own two squares, and a wealthy family own the other square, that our property should not be prevented from increasing in value for the want of the above described improvements. We most respectfully, but earnestly ask your honorable body to pass an ordinance to bowlder the gutter on the east side of Delaware street, from Virginia avenue to Wyoming street, where the same has not been bowldered, and also to curb the said sidewalk with good stone, five inches thick, and to pave said sidewalk with with good, smooth, hard-burnt brick, for which we will continue to ask, as a matter of right, until such improvement is made.

HENRY SPONSEL,

And 12 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell offered the following resolution :

Resolved. That the property holders on the west side of Virginia avenue, between Pogue's Run and Louisiana street, are commanded to remove their fences from the sidewalk within thirty days from this date, and should such property holders refuse or neglect to comply with the provisions of this resolution, then the City Marshal is hereby directed to tear down said fences without further delay, and charge the expense to the owners of said property, and the Civil Engineer is hereby instructed to set the proper stakes.

Which was referred to the Committee on Streets and Alleys and Civil Engineer.

Mr. Wiles, from the Committee on Parks, made the following report :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—Your Committee on Parks, to whom was referred the communication of Alfred Harrison, have to report that we have examined all the parks of the City, and find Military Park, (the only one open now to the public) in good condition—and, although lacking sufficient quantity of shade in order to make the grounds every way desirable as a place of resort at present. Yet, it is our opinion, that, with a continuation of the present careful management, under Mr. Merritt, it will, in a few years, become not only an ornamental but valuable addition to the city, with its now rapidly increasing population.

Our examination of both University Square and Circle, was with a view of having them also thrown open to the public; but regret to report that it is our unanimous opinion, as also that of Mr. Harrison, with whom we consulted, that their present condition does not justify such proceedings. Your committee are of the opinion that a little more money, and a good deal more care and labor are necessary in order to the growth of the trees and shrubbery. We, therefore, recommend that Mr. Alfred Harrison be appointed a Commissioner of Parks for University Square and the Circle, with instructions to employ help to any amount not exceeding five hundred

dollars for this year, and that he be allowed to use his own judgment as to the manner of beautifying the grounds, and promoting the growth of the trees, grass and shrubbery.

Respectfully submitted,

W. D. WILES,
AUSTIN H. BROWN,
J. H. WOODBURN,

Which was concurred in.

Mr. Wiles offered the following motion :

Moved, That the Committee on Contracts be instructed to correspond with the Street Commissioner of Chicago as to the cost of and practicability of the Patent Street Cleaner now used in that city.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, That the Gas Inspector be, and is hereby ordered to remove the second lamp post on Maryland street, between Ellis and Hellen street, to the alley in rear of the property owned by George Buchter, so that the same may be made to conform with the ordinance regulating the erection of lamp posts in the city.

Which was referred to the Committee on Gas Light.

His honor the Mayor presented the following petition :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—We, the undersigned, respectfully petition your honorable body to grant to Frederick Scheigert police powers in the city of Indianapolis, as we believe him a worthy and honorable man.

OTTO BOETTICHER,
FRED. SEIDENSTICKER,
THOS. LANDER,

And 33 others.

Which was referred to the Board of Police.

His honor the Mayor presented the following communication :

INDIANAPOLIS, May 22, 1871.

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

GENTLEMEN—We the undersigned, members of Co. "A" Indianapolis National Guards, do most respectfully petition your honorable body to assist us in the way of an appropriation. say of five hundred dollars, to be used in reuniforming our Company. The major part of the members are men who work by the day or week for their support, and cannot well afford the expense of new uniforms, but are ready and willing at all times to assist in the protection of all good citizens against mobs, riots, or disturbances of any kind where and whenever the military are required. This organization is for the public good, and we claim that it ought to be assisted and supported by the citizens and public generally.

Hoping that your honorable body will consider this petition favorably at your earliest convenience,

We remain very respectfully,

Your Servants,

JOHN HANNA, *Captain.*

L. H. FULMER, *1st. Lieutenant.*

JNO. REYNOLDS, *2d. Lieut.*

And 42 members.

Which was referred to the Committee on Finance.

On motion the Council adjourned, to meet Thursday, May 25, 7½ o'clock, P. M.

DANIEL MACAULEY,

Mayor.

ATTEST :

JOHN R. CLINTON,

City Clerk.