

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, March 31, 1873, 7 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 Batty, Bigham, Bollman, Cottrell, Craft, Gibson,
Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whit-
sit, Wiles and Woodburn—15.

Absent—Councilmen Hardesty, Reagan and Rush—3.

The proceedings of the regular session, held March 24th, and
of the special session held March 25, 1873, were read and ap-
proved.

Sealed proposals for building stone abutments and iron superstructure, or stone arches, over Pogue's Run, on Michigan street, were received, opened, read and referred to the Committee on Bridges.

Sealed proposals for improving sundry streets, sidewalks and alleys were received, opened, read and referred to the Committee on Contracts.

Mr. Sherwood, from the Committee on Contracts, made the following report:

INDIANAPOLIS, March 29, 1873.

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

GENTLEMEN:—Your Committee on Contracts, to whom was referred sundry proposals, have examined the same, and find that the following named persons are the lowest and best bidders, and would recommend that contracts be awarded as follows, to-wit:

FIRST.

For grading, bowldering the gutter, and curbing with stone the outside edge of the south sidewalk of North street, from Meridian to Illinois street, to Jas. W. Hudson, at the following prices: Grading and bowldering the gutter fifty cents per lineal foot front; grading and bowldering the the alley crossings, sixty-eight cents per superficial yard; flagging fifty-eight cents per lineal foot; curbing sixty-eight cents per lineal foot front.

SECOND.

For grading East Grant street and sidewalks, and graveling the east sidewalk from Michigan avenue or Road to Bates street, to James Mahoney, at 56 cents per front foot for grading and graveling the east sidewalk and grading the street to the center thereof, and 30 cents for grading the said street from the center thereof, including the west sidewalk.

THIRD.

For grading and graveling the alley running from the elbow of Rose street east to the turn of said alley, then running north to Grant street, to John L. Hanna, at 25 cents per lineal foot front on each side of the line improved.

FOURTH.

For grading and graveling California street and sidewalks from St. Clair to First street, as the City Civil Engineer has reported, there has been nothing

done in regard to the draining of said street in connection with the cross streets. We would recommend that action on the said proposals be postponed for the present.

FIFTH.

For widening the pavement on the west sidewalk of Massachusetts avenue, from Delaware to Alabama street, at 45 cents per lineal foot front, and for replacing any bricks worn out on said sidewalk, at 60 cents per superficial yard; flagging of stone 55 cents per lineal foot; bowldering the crossings 66 cents per superficial yard, to Henry C. Roney.

SIXTH.

For grading and paving with bricks, and widening the same to a width of 19 feet the sidewalks of West street, and for curbing the same with stone from Washington to Market street, and for paving with Lefler stone the sidewalks of said West street from Market to North street, where not already paved or permission given to pave with bricks, to Macauley & Stone, at 75 cents per front foot for paving with brick, Lefler paving stone 30 cents per square foot for Lefler paving stone, curbing and widening the sidewalks at 70 cents per front foot.

SEVENTH.

For paving with brick the east sidewalk on New Jersey street from Merrill to McCarty street, to John Seffier, at 57 cents per lineal foot front.

EIGHTH.

For grading and graveling Bicking street and paving the sidewalks with brick, from High to East street, to James Mahoney, at 65 cents per lineal foot front on each side for grading and graveling, and 55 cents per lineal foot front for grading and paving with brick the sidewalks, the street to be done with hand screened river or creek gravel.

NINTH.

For grading and paving with brick the sidewalks on Chatham street from Massachusetts avenue to St. Clair street, to Henry C. Roney, at 54 cents per lineal foot front on each side.

Respectfully submitted,

L. Q. SHERWOOD,
ISAAC THALMAN,
H. S. BIGHAM,
Com. on Contracts.

Which was concurred in, and contracts awarded.

REPORTS FROM CITY OFFICERS.

The Board of Health submitted the following report:

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—The Board of Health submits the following mortality report for the week ending March 31, 1873:

Under 1 year.....	5
From 1 to 2 years	0
From 2 and 5 years	2
From 5 to 10 years.....	3
From 10 to 15 years.....	2
From 15 to 20 years.....	2
From 20 to 25 years.....	1
From 25 to 30 years.....	1
From 30 to 40 years..	0
From 40 to 50 years..	1
From 50 to 60 years.....	1
From 60 to 70 years.....	0
From 70 to 80 years..	2
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	20

Respectfully submitted,

J. A. COMINGOR, M. D., Pres't.

W. WANDS, M. D., Secretary.

Which was received.

The City Attorney made the following report:

INDIANAPOLIS, March 29, 1873.

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

GENTLEMEN:—In regard to the opening of Arsenal avenue and Summit st., in said city, referred to the City Solicitor and City Attorney at your last session, I have to say, that on the 19th day of February, 1872, Edgar J. Foster, John L. Hondyshell, N. M. Schofield, and 11 others, petitioned the Council to open Arsenal avenue and Summit street, beginning in each case or in-

stance within fifteen feet of the north rail of the P. C. & St. L. Railroad and running south in each case to the Michigan Road. Which was referred to the Committee on Streets and Alleys. (See Proceedings of Feb. 19, 1872, p. 1120, 1121.)

At a regular session of the Council held on the 26th of February, 1872, the Committee on Streets and Alleys made a report setting forth that Arsenal avenue, at the point from which said opening south was proposed, was sixty feet wide, and that Summit street, at the point from which said opening south was proposed to be made, was fifty feet wide, and recommended that both of said streets be opened as in said report designated. The committee also said that they had carefully examined the premises and found many reasons why these streets should be opened and improved for the public use, which reasons are recited in the report, and recommending that the City Commissioners review the premises designated in the ordinance of appropriation and assess the damages and benefits to the same and report to the Council.

Which report was referred to the City Attorney. (See Council proceedings Feb. 26, 1872, pp. 1145, 1146.)

At the regular session of the Council, held April 29th, 1872, the City Commissioners made their report, assessing the damages and benefits consequent upon the opening of said streets, and also a special ordinance condemning the property for public use. Which was referred to the City Attorney. (See Council proceedings of April 29, 1872, pp. 1410, 1411.)

At a regular session of the Council, held on the 6th of May, 1872, the City Attorney reported that he saw no reason why said special ordinances, No. 28 and No. 30, should not be passed; and they were then and there passed by the Council. (See printed Proceedings of May 6, 1872, pp. 1433, 1434.)

It is said the proceedings are objectionable for two reasons:

1st. The petition does not define the width of the streets desired opened. In answer to this objection it is sufficient to say, that Arsenal avenue, where it was already opened, was opened sixty feet wide and that Summit street, where it was already opened, was opened fifty feet wide.

The petition was for an extension of these streets, and a reasonable construction of the petition would be that such extensions should be of the same width as the streets to be extended.

2d. That the report does not set forth the time of the meeting of the City Commissioners to assess the damages and benefits occasioned by the opening or extension of said streets.

In answer to this objection it is sufficient to say that if really necessary that the same should be incorporated in the report, the City Commissioners may amend their report in accordance with the facts; and that if they do not so amend, oral evidence of the facts would be heard in any court trying the legality of the proceedings. In case the record of the proceedings of the Common Council is imperfect, courts will hear oral evidence to perfect the same.

Another objection it seems, is that the Railroad Company was in the hands

of a receiver at the time the proceedings were had, which receiver was appointed by the Judge of the District Court of the U. S. for the District of Indiana, and that therefore the proceedings are void.

It is further suggested that the then Junction Railroad Company will enjoin the opening of said streets by an application to the U. S. District Judge of said District.

I desire to say that in my opinion the proceedings are right, and that if the Railroad Company is intent on enjoining the opening and improving of said streets, that the Council ought not to change or modify her ordinances heretofore passed in regard to the opening of said streets. Let it be settled by the proper tribunal.

J. S. HARVEY, City Attorney.

Which was concurred in.

The City Attorney made the following report :

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—The Committee on Finance and the City Attorney, who were by a motion passed by the Common Council on the 24th day of March, 1873, directed to at once inquire into the best means of procuring the refunding to the city the five thousand dollars by the Common Council heretofore donated in the purchase of the ground for the Indianapolis Agricultural, Mechanical and Horticultural Association, as it is represented and understood that said Association are disposing of their grounds, report:

That the Common Council, by an ordinance entitled "An ordinance appropriating five thousand dollars to the Indianapolis Agricultural, Mechanical and Horticultural Association, specifying the amount and condition of the within appropriation," passed May 25, 1871, appropriated five thousand dollars out of the city treasury, to be paid to said Association for the purpose of assisting the said Association in buying their Indianapolis Fair Grounds, known as the "Bradley Farm," containing eighty-six acres, situated one mile south of donation line, contiguous to the city of Indianapolis, upon the following conditions:

The money to be paid on the first day of July, 1871, if the Association should purchase said grounds and expend thereon the sum of five thousand dollars on or before the first day of July, 1871, or proceed in good faith to the improvement of the same, for the purpose of holding their annual Fairs thereon. And it was provided in and by said ordinance that said grounds as so purchased and improved, should be and remain free and accessible as a public park forever, subject to the rules and regulations of the Directors of said Association (for which see ordinance.)

We are of opinion that the city, while she cannot as a mortgagee or judg-

ment creditor, redeem the premises which have been recently sold by the sheriff of Marion county, upon a decree of the Superior Court, yet she has such an equitable interest in the said grounds that she may by suit obtain a decree for the redemption and sale thereof, and the proceeds of such sale to be applied, first, in payment of principal and interest and costs, on sales and purchases heretofore made, and the balance applied to the refunding to the city of said sum of five thousand dollars, and interest, and the payment of other proper claims.

We therefore recommend that the Common Council direct that the City Solicitor and City Attorney be directed to forthwith bring a suit or action against the proper parties to enforce the lien of the city above stated.

W. D. WILES,
 DAVID GIBSON,
 THOMAS COTTRELL,
 H. S. BIGHAM,
 J. H. WOODBURN,

Com. on Finance.

J. S. HARVEY, City Attorney.

Which was concurred in.

The City Civil Engineer made the following report:

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—I hereby report the following work finished:

The Wrought Iron Bridge Co., Canton, Ohio, for building iron bridge over the Canal on Third street, 44 feet iron superstructure, at \$17.50 per lineal foot, \$770.00.

Respectfully submitted,

B. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
 INDIANAPOLIS, March 31, 1873. }

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

The City Clerk respectfully reports to Council:

1st. Contract and bond of John L. Hanna for grading and graveling the

alley running from the elbow of Rose street east to the turn of said alley, then running north to Grant street.

2d. Contract and bond of Joseph Kruger for building a cistern at the corner of West and Thomas street.

Respectfully submitted,

JOHN R. CLINTON, City Clerk.

Which was received and the bonds approved.

Mr. Batty presented the following petition:

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN:—We, the undersigned resident freeholders, respectfully petition your honorable body and pray for the creation of a new and additional ward in the city of Indianapolis by dividing the Second Ward of said city into two wards, the proposed new ward to embrace that portion of territory in said city now constituting all that part of said Second Ward lying north of the old corporation and Clifford avenue, and east of North Meridian street. Your petitioners are residents of and have freehold within the limits of the proposed ward.

Vinson Carter, Percival Salisbury, J. R. Routh, W. B. Milender, J. Barr, and 15 others.

Which was received.

Also, the following petition:

INDIANAPOLIS, Feb. 8, 1873.

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

GENTLEMEN:—We, the undersigned resident freeholders, respectfully petition your honorable body, and pray for the creation of a new and additional ward in the city of Indianapolis by dividing the Third Ward of said city into two wards, the proposed new ward to embrace that portion of said ward in said city now constituting said Third Ward, lying north of First street and west of Meridian street. Your petitioners are residents of and freeholders within the limits of the proposed ward.

Isaac M. Shideler, E. C. Hill, Geo. W. Parker, C. F. Darnell, D. Yandes, jr., and 25 others.

Which was received.

Also the following petition :

INDIANAPOLIS, Feb. 2, 1873.

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

GENTLEMEN:—We, the undersigned resident freeholders, respectfully petition your honorable body, and pray for the creation of a new and additional ward in the city of Indianapolis by dividing the Fifth Ward of said city into two wards, the proposed new ward to embrace all that portion in said city now constituting said Fifth Ward lying south of Merrill street. Your petitioners are residents of and have freehold within the limits of the proposed ward. And we will ever pray, &c.

H. Gimber, C. Reitzel, L. Spitznagel, Fred. Beck, Henry Spakmann, and 29 others.

Which was received.

Also the following petition :

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN:—We, the undersigned resident freeholders, respectfully petition your honorable body, and pray for the creation of a new and additional ward in the city of Indianapolis by dividing the Eighth Ward of said city into two wards, the proposed new ward to embrace all that portion in said city, now constituting a part of the Eighth Ward, lying south of Virginia avenue and Huron street. Your petitioners are residents of and have freehold within the limits of the proposed ward. And we will ever pray, &c.

W. H. Snider, Fred. Hartman, R. Smock, Henry Schulmeier, Jesse S. Whitsit, and 30 others.

Which was received.

The City Solicitor made the following report :

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—I herewith transmit form of a resolution providing for a vote upon the question whether new wards shall be created :

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was received.

Also, the following resolution :

WHEREAS, Certain petitions are pending before the Common Council of the city of Indianapolis, praying for the creation of new and additional wards by dividing the Second Ward, Third Ward, Fifth Ward and Eighth Ward as follows:

The Second Ward to be divided into two wards as follows: The proposed new ward to embrace all that portion of territory in said city now constituting all that part of said Second Ward lying north of the old corporation line and Clifford avenue and east of Meridian street.

The Third Ward to be divided into two wards as follows: The proposed new ward to embrace all that portion of said ward in said city now constituting said Third Ward, lying north of First street and west of Meridian st.

The Fifth Ward to be divided into two wards as follows: The proposed new ward to embrace all that portion of said ward in said city now constituting said Fifth Ward, lying south of Merrill street.

The Eighth Ward to be divided into two wards as follows: The proposed new wards to embrace all that portion of said ward in said city now constituting said Eighth Ward, lying south of Virginia avenue and Huron street.

WHEREAS, The Common Council is satisfied that said petitioners are residents of, and have freehold within the limits of the proposed new wards, and have attached to each of their petitions a roll containing an enumeration of the inhabitants thereof, verified by affidavit; and

WHEREAS, It is found that each of the proposed new wards has the requisite population and that said petitions are genuine; therefore,

Be it Resolved, By the Common Council of the city of Indianapolis, that the creation of new and additional wards by dividing the Second, Third, Fifth and Eighth Wards of said city as aforesaid, and in the manner provided, be submitted to the voters of said city at the next general corporation election, to be held on Tuesday, the 6th day of May, 1873, and that said proposition be published in the general notice of said election, and that at such election the voters of said city shall vote upon said question, and for that purpose the ballots of the voters shall have thereon the said question, written or printed in the following words, to-wit: "Shall new and additional wards be created by dividing the Second, Third, Fifth and Eighth Wards into two wards each?" and said ballots shall have the word "Yes" and the word "No" following said question, and the several inspectors shall make statements showing the number of votes given having the word "Yes" and the number given having the word "No" thereon, and embrace the same in the return of their respective polls, and if a majority of the ballots given at such election on said question have the word "Yes" thereon, the said new and additional wards shall be so created; but if a majority of said ballots shall have the word "No" thereon, the said wards shall not be so created.

Which was adopted by the following vote:

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit and Woodburn—14.

Negative—None.

ORDINANCES ON FIRST READING.

Mr. Pressly presented the following petition:

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on the first alley south of Harrison street, between Cedar street and the first alley west of Cedar street, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling the above described alley according to the general plan of improving alleys.

Amasa Stone, Jr., et al., H. W. Rattan.

Which was received.

Mr. Pressly introduced special ordinance No. 64, 1873, entitled:

An ordinance to grade the first alley south of Harrison street, between Cedar street and the first alley west of Cedar street.

Which was read the first time.

Also special ordinance No. 65, 1873, entitled:

An ordinance to grade and gravel the first alley east of East street from Georgia to Louisiana street.

Which was read the first time.

Mr. Cottrell introduced special ordinance No. 66, 1873, entitled:

An ordinance to grade, pave with bricks and curb with stone the south side walk of Maryland street, from Virginia avenue to Alabama street.

Which was read the first time.

Also special ordinance No. 67, 1873, entitled :

An ordinance to grade, pave with brick, and curb with stone the sidewalks on Merrill street, from Delaware to East street, and for flagging and bowldering the streets and alleys crossings.

Which was read the first time.

Mr. Kennington introduced special ordinance No. 68, 1873, entitled :

An ordinance to grade and pave with bricks the west sidewalk on Russell avenue from Illinois to Meridian street.

Which was read the first time.

Mr. Kennington presented the following petition :

INDIANAPOLIS, March 31, 1873.

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

We, the undersigned, doing business on Maryland street, between Meridian and Illinois streets, and on Pearl street, do hereby respectfully urge and petition your honorable body, that the alley running between the block bounded by Washington, Illinois, Meridian and Maryland streets, from north to south, be improved with boulders, or other improvement as you may think right and proper. Your petitioners represent, that said alley is in an impassible condition, thereby injuring the facilities for doing business, and they do most earnestly ask your honorable body to hear their prayer.

Maguire & Gillespie, T. R. Budd & Co., Mull & Bond,
S. B. Sering, and 4 others.

Which was received.

Mr. Kennington introduced special ordinance No. 69, 1873, entitled :

An ordinance to grade and bowlder the alley running north and south through square 66, from Washington to Maryland street.

Which was read the first time.

Mr. Sherwood presented the following petition :

INDIANAPOLIS, March 31, 1873.

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

Your petitioners would respectfully represent to your honorable body that they are the owners of the respective numbers of feet set opposite their names, of ground fronting on North Tennessee street, in the city of Indianapolis, lying between First street and Twelfth street; that the whole number of feet bordering on said street between First and Twelfth streets, not including streets and alleys, is about eight thousand and eighty-eight feet. They therefore petition your honorable body for an order improving Tennessee street, between First and Twelfth streets, by grading and paving the street with wooden block pavement, not exceeding forty feet in width, and by paving the sidewalks with brick, and your petitioners will ever pray, etc.

W. Kitcham and C. C. Foster, T. J. Hart,
Cathcart & Cleland, and 40 others.

Which was received.

Mr. Sherwood introduced special ordinance No. 70, 1873, entitled :

An ordinance to grade and pave with wooden block pavement Tennessee street, and for paving with brick and curbing with stone the sidewalks thereof, between First street and the corporation line north.

Which was read the first time and referred to the Committee on Streets and Alleys.

Mr. Thalman presented the following petition :

INDIANAPOLIS, March 26, 1873.

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

GENTLEMEN :—The undersigned, owners of the real estate fronting on Pattison street, between Vermont street and north street, respectfully petition your honorable body to pass an ordinance providing for the improvement of said Pattison street from Vermont to Elizabeth street, instead of from North to Elizabeth street, and that the ordinance introduced March 25th, 1873, be amended as asked for in this petition. And your petitioners will ever pray.

T. J. More, L. Eglen, J. Scott.

Which was received.

Mr. Thalman introduced special ordinance No. 71, 1873, entitled:

An ordinance to grade and gravel Patterson street and sidewalks, between Vermont and North streets.

Which was read the first time.

Also special ordinance No. 72, 1873, entitled:

An ordinance to grade and pave with brick and Lefler paving stone, the east sidewalk of Blackford street, from Washington to New York street.

Which was read the first time.

Also special ordinance No. 73, 1873, entitled:

An ordinance to grade and pave with brick the north sidewalk on North st., between Indiana avenue and Blake street.

Which was read the first time.

Also special ordinance No. 74, 1873, entitled:

An ordinance to grade and gravel California street and sidewalks, between Washington and Market streets.

Which was read the first time.

Dr. Woodburn presented the following petition:

INDIANAPOLIS, March 31, 1873.

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

The undersigned, owners of property bordering on the alley proposed to be improved, petition your honorable body to pass an ordinance to grade and pave with boulders the alley running north and south from the first alley north of Washington street to Ohio street, and between Illinois and Tennessee streets. And your petitioners will ever pray.

John Love, Mary F. Love, Mary Smith, R. L. McOuat,
W. P. & E. P. Gallop, and 4 others.

Which was received.

Dr. Woodburn introduced special ordinance No. 75, 1873, entitled :

An ordinance to grade, and bowlder the alley running north and south from the first alley north of Washington street to Ohio street, and between Tennessee and Illinois streets.

Which was read the first time.

Mr. Gimber introduced special ordinance No. 76, 1873, entitled :

An ordinance to grade and pave with brick the south sidewalk of South st., from Tennessee to West street.

Which was read the first time.

Also special ordinance No. 77, 1873, entitled :

An ordinance to grade and pave with brick the east sidewalk of Tennessee street from Pogue's Run to Maryland street.

Which was read the first time.

CALL OF THE ROLL OF MEMBERS

For the Presentation of New Business.

Mr. Batty presented the following petition :

INDIANAPOLIS, March 31, 1873.

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

We petition your honorable body for leave to put up a stairway on the outside of a building on Alvord street, in the city of Indianapolis, three feet in width. This flight of stairs will not in any way interfere with Alvord street.

Levi Wright, J. P. Wright, James A. C. McCoy.

Which was received, and prayer of petitioners granted.

Mr. Batty presented a claim from Thos. Huggins for \$4, which was referred to the Committee on Accounts and Claims.

Mr. Batty offered the following motion :

Moved, That the Committee on Streets and Alleys confer with J. K. Sharpe, and other property holders on Delaware street, to ascertain what amicable arrangements (if any) can be made with said property owners, to obviate the offset occurring in said Delaware street at St. Mary street.

Which was adopted.

Also, the following motion :

Moved, That a committee of three Councilmen be appointed to confer with the President and Board of Directors of all the Gravel Road Companies, for the purpose of ascertaining the best terms they will sell to the city that portion of their gravel roads, situated within the city limits, and that they report the result of their conference to this Council at the earliest moment practicable.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Sherwood, Kennington and Pressly.

Also the following motion :

Moved, That J. K. Sharpe be permitted to flag with stone the sidewalk, and put in stone curbing in front of his premises, corner First and Pennsylvania streets, at his own expense, and under the direction of the City Civil Engineer, who is hereby directed to set the grade stakes.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner boulder the alley crossing between the property of J. K. Sharpe and A. L. Roach in Pennsylvania street.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner notify the property owners on Meridian street, between St. Clair and First streets, to remove the fences to the

proper line of street, and on failing to do so within twenty days from the time of receiving the notice, he shall remove the same at the expense of the property owners refusing to comply with this order.

Which was adopted.

Mr. Bigham offered the following motion:

Moved, That the Citizens' Street Railway Co., have permission to use their tracks inside the city limits for the purpose of testing or trying steam cars.

Which was referred to the Committee on Streets and Alleys and City Solicitor.

Also the following motion:

Moved, That Swing & Woollen have permission to take up the brick sidewalk at the rear of their store, No. 1 Massachusetts avenue, and replace the same with boulders to enable them to drive into their store. Said work to be done to the satisfaction of the Civil Engineer.

Which was adopted.

Also the following motion:

Moved, That J. H. Baldwin have permission to fence in the sidewalks around the Fourth Presbyterian Church, at the corner of Market and Delaware streets, for the purpose of tearing down said church, for the purpose of rebuilding the same for business property, to expire in twenty days.

Which was adopted.

Mr. Cottrell offered the following motion:

Moved, That the Street Commissioner be instructed to notify the proper officer of the I. C. & L. R. R. Co., to plank the entire crossing of Virginia avenue and Delaware street, within ten days after serving the notice.

Which was adopted.

Also the following motion :

Moved, That Andrew Curtis be permitted to grade and pave with bricks or flag stone, the sidewalk on Merrill street, in front of his property, situated in out lot No. 103, and the Civil Engineer be instructed to set the proper grade stakes.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be instructed to flag stone the following crossings: First, across Sinker street, at its intersection with New Jersey street. Second, to flag stone the crossing of South street, both sides, where it intersects New Jersey street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be instructed to fill, boulder and flag stone the sidewalk crossing north of the Peru railroad depot on the east side of New Jersey street; also to fill the sidewalks between the present paved walk and the railroad tracks.

Which was adopted.

Also the following motion :

Moved, The Street Commissioner be instructed to flag the mouth of the first and second alleys south of Pogue's Run, on New Jersey street.

Which was adopted.

Also the following motion :

Moved, That the different Railroad Companies, crossing Virginia avenue, be notified by the city marshal to properly plank the entire distance used by said Railroad Companies, said work to be done within thirty days after serving the proper notices.

Which was adopted.

Also the following motion :

Moved, That the city clerk be and is hereby instructed to notify the city Commissioners to make an assessment of damages and benefits in the matter of opening an alley 15 feet wide, running east and west through out lot 104, said alley to commence at the first alley running north and south west of New Jersey street, and intersect the second alley west of New Jersey street, said alley to be opened at a point from 100 to 150 feet north of Sinker street, and to run parallel with said Sinker street, and report their action to this Council for approval. The clerk is also instructed to notify the owners of said property on each side of said proposed alley, as required by the city charter.

Which was adopted.

Mr. Craft offered the following motion :

Moved, That the Civil Engineer report to this Council as to whether the contractor for putting in stone curbing on North Pennsylvania street has complied with his contract.

Which was adopted.

Mr. Craft, from the Committee on Markets, made the following report :

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—We, the undersigned members of the Committee on Markets, to whom was referred the petition of A. S. Vorhis & Co., asking the privilege of sealing the grain measures and baskets of their own manufacture, would beg leave to report that we have fully considered the matter, and would recommend that the prayer of the petitioners be granted.

W. H. CRAFT,
H. S. BIGHAM,
Com. on Markets.

Which was concurred in.

Mr. Craft, from the Committee on Markets, made the following report :

INDIANAPOLIS, March 21, 1873.

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

GENTLEMEN:—We, the undersigned members of the Committee on Markets, to whom was referred the petition of Henry Mezner for permission to put a

scale on Coburn street, between East and New Jersey streets, would report favorably on the same and recommend the adoption of the motion.

W. H. CRAFT,
H. S. BIGHAM,
Com. on Markets.

Which was concurred in.

Mr. Gibson offered the following motion :

Moved, That the City Clerk is hereby instructed to insert a clause in the contract for paving the east side of North West street, that said pavement shall not be laid on 50 feet of the south-east corner of West and Michigan streets until Victor Le Mair shall have had four months time to erect a building on said corner; also, to insert the same provision in the contract for paving the south side of Michigan street for a space of 75 feet east of West st.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

Moved, That the City Solicitor be, and is hereby, directed to report to this Council whether the city has the right to condemn for street purposes gravel roads inside the city limits.

Which was adopted.

Also the following motion :

Moved, That after Roll Call the ordinance directing the City Clerk to issue bonds for the payment for real estate for city purposes, be taken up, the rules suspended, and put on its passage.

Which was adopted.

Mr. Gimber presented the following petition :

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—The undersigned respectfully represent to your honorable body, that there are exhibited in a window on the west side of Illinois street, between Maryland and Georgia streets, certain disgusting, revolting and in-

decent pictures; that these pictures are exhibited in a public manner, open to the view of all persons passing along the sidewalk, and they are a great and serious annoyance to the public. They pray your honorable body to pass a proper ordinance compelling the removal of such pictures.

Henry Speckmann, Jacob Miller, Joseph Butch,
A. Balls, and 43 others.

Which was referred to the City Solicitor with instructions to prepare and report an ordinance on the subject.

Mr. Kahn offered the following motion :

Moved, That the City Solicitor be requested to give an opinion, whether the Gravel Road companies, whose roads run into the city limits, are liable to taxation for said roads in the city.

Which was adopted.

Mr. Kennington offered the following motion :

Moved, That Sol Moritz and M. Grishrimerts, and five others, be allowed the privilege of putting stone flagging across Washington street, from Sol Moritz's to the Trade Palace, at their own expense.

Which was adopted.

Also the following motion :

Moved, That J. P. J. Reinhartt be allowed the privilege of paving with brick in front of his property, on South Illinois street, at his own expense, and under the direction of the City Engineer.

Which was adopted.

Also the following motion :

Moved, That the City Clerk be instructed to advertise for proposals to build an eight hundred barrel cistern on the corner of Bicking and Delaware street.

Which was referred to the Committee on Fire Department and Chief Fire Engineer.

Mr. Kennington presented the following remonstrance :

INDIANAPOLIS, March 24, 1873.

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

GENTLEMEN :—We, the undersigned, owners of the real estate fronting on Caven and Delaware streets, between Bicking street and the second alley south of Bicking street, respectfully remonstrate against the passage of an ordinance providing for the vacation of the said alleys in Caven addition. And your remonstrants will ever pray, etc.

Augustus Fiel, Robert Kennington and Julius Richeo.

Which was referred to the Committee on Streets and Alleys.

Mr. Bigham offered the following motion :

Moved, That Albert Gall and Judge A. L. Roache have permission to build a coal vault under the sidewalk in front of their new building on Washington street, between Pennsylvania and Delaware streets.

Which was adopted.

Mr. Pressly offered the following motion :

Moved, That the Civil Engineer be instructed to notify Bernard Hamill, the contractor, to replace the dead shade trees on the following named streets, by new ones, to be done within thirty days from notice, to-wit :

Pine street, from Harrison street to Virginia avenue.

Huron street, from Virginia avenue to old corporation line east.

Elm street, from Noble street to old corporation line east.

Hosbrook street, from Cedar street to old corporation line east.

Dougherty street, from Virginia avenue to East street.

Buchanan street, from Virginia avenue to East street.

South street and Fletcher avenue, from East to Cedar street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be and is hereby instructed to lay flag stone on the north sidewalk of South street across Virginia avenue and East street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be instructed to raise the sidewalks on Harrison street, between Pine and Dillon streets, or do such other work as the Civil Engineer may direct, to prevent the flow of water on to private property.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

Moved, That the Street Commissioner be and is hereby instructed to raise the sidewalks on East Harrison street to prevent the water from flowing on private property, said work to be done according to instructions of the Civil Engineer.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

Moved, That the City Marshal be instructed to notify the Union R. R. Co., to plank the full width of East street and sidewalks where their tracks cross the same, said work to be done within ten days.

Which was adopted.

Mr. Sherwood offered the following motion:

Moved, That the property owners on the west side of North Illinois street, between Market street and first alley south of Market street, be required to relay their sidewalk with good hard brick within thirty days.

Which was adopted.

Mr. Thalman offered the following motion:

Moved, That the City Clerk take special notice of all motions to permit parties to put down pavements in front of their property at their own expense, and if an ordinance has been passed by this Council to improve the street on which said privilege is asked, that he report to the parties that the motion can not be granted.

Which was adopted.

Also the following motion :

Moved, That permission is hereby granted B. F. Riley to move frame house from east half of lot No. 6, in square No. 67, to west end of lot No. 6, in out lot No. 147, by the following route, to-wit: South on Kentucky avenue to Maryland, west on Maryland to West, north on West to Washington, west on Washington to California, north on California to north end of said lot 6, in out lot 147.

Which was adopted.

Also the following motion :

Moved, That the City Clerk be directed to advertise for proposals for lamp posts on the following streets:

- On Fayette street, between North and St. Clair streets.
- On Bright street, between New York and Michigan streets.
- On Blake street, between North street and Indiana avenue.
- On Indiana avenue, between Blake and St. Clair streets.
- On Michigan street, between Blackford and Meridian streets.
- On Vermont street, between California and Bright streets.
- On West street, between Indiana avenue and St. Clair street.
- On Tennessee street, between South and McCarty streets.
- On McCarty street, between Illinois and Tennessee streets.
- On Mississippi street, between Henry street and Pogue's Run.

Which was referred to the Committee on Gas Light.

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

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—Your Committee on Streets and Alleys, to whom was referred sundry papers, report as follows :

First. Is an ordinance to grade and gravel Fletcher avenue and sidewalks, from Dillon street to Linden street, with a proviso that the surplus dirt, if any, after grading said street, be distributed on alleys and lots in the vicinity of said improvement; also Hoyt street and sidewalks from Dillon to Louisiana street, and Spann street, between Dillon and Linden streets, with a similar provision as to the disposal of the surplus earth. We would recommend that the three ordinances be amended to read, "that the surplus earth shall be distributed in such places as the Civil Engineer may direct," instead of "be distributed on alleys and lots."

Second. Is an ordinance to grade and gravel Linden street and sidewalks. We find one side of said street not platted, therefore recommend that the ordinance be stricken from the file.

Third. Is a petition from Western Union Telegraph Co., asking permission to place telegraph poles on certain streets. We recommend that the prayer of the petitioners be granted, provided they put up such poles as they described in their petition, the poles to be located under the direction of the Committee on Streets and Alleys.

Respectfully submitted,

ISAAC THALMAN,
JOHN T. PRESSLY,
C. E. WHITSIT,
Com. on Streets and Alleys.

Which was concurred in.

On motion, special ordinance No. 33, 1873, entitled:

An ordinance to provide for grading and graveling Linden street and sidewalks from English avenue to Huron street.

Was taken up and ordered stricken from the files, as recommended by the Committee on streets and Alleys.

Mr. Whitsit offered the following motion:

Moved, That Herman Ziegelmiller be and is hereby granted permission to grade and gravel the sidewalk in front of lots Nos. 4, 5, and 6, square 12, south-east addition, on Shelby street, to be done at his own expense and to the satisfaction of the Civil Engineer, who is hereby directed to set the stakes.

Which was adopted.

Also the following motion:

Moved, That Mr. Casburg be allowed to gravel the sidewalk in front of his property on Grove street, between Hosbrook street and Virginia avenue, under the direction of the Civil Engineer.

Which was adopted.

Also the following motion :

Moved, That the property holders on Linden street, between Huron street and English avenue be allowed to grade and gravel the street and sidewalks in front of their property, and the Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Wiles offered the following motion :

Moved, That the Superintendent of the Asylum for the Blind be and is hereby granted permission to put in a sewer from said Asylum, in Walnut street, to connect with the sewer in Illinois street, said sewer to be constructed under the supervision of the sewer engineer, who is hereby instructed to give the proper levels, to be done within 90 days, and at their own expense.

Which was referred to the Committee on Sewers and Sewerage Engineer.

Also the following motion :

Moved, That the Street Commissioner be and is hereby directed to place some gravel or cinders on the corner of Alabama and St. Joseph streets, the work to be done immediately, as the crossings are low and in very bad condition.

Which was adopted.

Also the following motion :

Moved, That the name of A. C. Harris be substituted on the citizens committee, for the improvement of North Meridian street, for the name of W. S. Hubbard, who declines to serve.

Which was adopted.

Mr. Sherwood offered the following motion :

Moved, That the Committee on Solicitation for petitioners to improve North Tennessee street with wooden block pavement be allowed to take the peti-

tion from the files for the purpose of getting additional signers during the week.

Which was adopted.

Mr. Cottrell introduced special ordinance, No. 78, 1873, entitled:

An ordinance to grade and gravel Japan street and sidewalks from Morris street to the corporation line south.

Which was read the first time.

Dr. Woodburn offered the following motion:

Ordered, That the Street Commissioner place in the necessary cement tiling in the gutter of the north side of North street, between the Canal (Missouri street) and Fayette street, so as to properly drain the water from Fayette street into said canal; also to raise the grade of the said north sidewalk between the canal and Fayette street to correspond to the grade of the middle of the street; also to fill and fix the alley or west bank of the canal immediately north of North street bridge, so that property owners can get to the rear of their lots with wagons without being compelled to cross the sidewalks in violation of law.

Which was referred to the Committee on Streets and Alleys.

Also the following motion:

Moved, That the Chief of Police be instructed to cause some member of the police force to file against Daniel Mahoney for driving across the sidewalks on Fayette and North streets.

Which was referred to the Chief of Police.

Also the following motion:

Moved, That the City Solicitor be instructed to procure from the Citizens Street Railroad Company a title to Illinois street from First to Tinker street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be directed to properly flag the street and alley crossings on Indiana avenue, between Illinois and West streets.

Which was adopted.

Dr. Woodburn presented the following communication :

INDIANAPOLIS, March 28, 1873.

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

GENTLEMEN:—The undersigned would respectfully represent that an indictment has been found in the Criminal Court of Marion county, against the Directors of the Water Works Company, of Indianapolis, on the alleged ground of creating and maintaining a nuisance in the lower arm of the canal, the Directors being required to defend themselves upon a criminal prosecution for an offence of which they are innocent, and over which they have no control.

We submit to your honors that only pure, clean water is brought into the city through the canal; that owing to the unusually dry season of last year the supply of water in the river was barely sufficient to propel the machinery located on the canal, and depending on this water for power, but that all the water that could be spared from the mills was turned through the lower arm to wash out and carry away filth, dead dogs, cats, and refuse matter deposited in the canal by the city and citizens; that it is the intention of this company hereafter to adopt every means in their power to prevent the use of the canal as a receptacle for slops and filth, and to this end they have given written notice to all persons living on the line of the canal to turn their drains and waste pipes from it, and, if necessary, when the break is prepared and the water again let in, will turn sufficient water through the lower arm to keep the same clean, even if they have to deprive the mills of some of their power in so doing.

To enable the company to carry out their design in keeping the canal free from any just cause of complaint, we respectfully ask your honorable body to prohibit by ordinance, under severe and heavy penalties, the putting of dead animals, offal, filth, rubbish, drains, or other matters, offensive to the public or injurious to the public health, into the canal, so that we can keep it in an unobjectionable manner within the limits of the city.

By a resolution, passed on the 9th of January, 1873, your honors directed the City Solicitor to aid the State Prosecutor in prosecuting the individual members of this company in criminal offence. I would most respectfully submit to your honors whether this is right and just, and especially in view of the fact that the greatest ground of complaint there can be against the condition of the canal is created by the city turning the filth and washings

of the streets into it, from Tinker street to the south corporation line. I am well satisfied your honors would not intentionally aid in any act of oppression against the company, or the individual members of it, and confidently leave the matter in your hands for such action as your sense of justice may dictate.

Very respectfully yours,

JOHN R. ELDER,
President Water Works Co.

Which was referred to the Committee on Judiciary and City Solitor.

His Honor, the Mayor, offered the following motion :

Moved, That George W. Anderson be appointed City Inspector for the Delaware street wooden pavement about to be laid, at the usual compensation.

Which was referred to the Committee on Contracts and Citizens Committee.

Also the following motion :

Moved, That the ordinance establishing stands for public hacks and express wagons be taken up and acted upon, as several of the most important streets in the city are seriously obstructed by an accumulation of hacks, express wagons, double street railroad tracks, and large piles of building material.

Which was adopted.

Mr. Gibson moved to suspend the rules for the purpose of taking up ordinances on second and third reading.

Which motion was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—13.

Negative—Councilmen Bigham and Kahn—2.

General ordinance No. 11, 1873, entitled :

An ordinance authorizing the issue and negotiation of bonds to procure mo-

ney to pay part of purchase money of real estate purchased for corporate purposes.

Was read the second time and ordered engrossed, and read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kennington, Sherwood, Thalman, Whitsit, Wiles and Woodburn—12.

Negative—Councilmen Bigham, Kahn and Pressly—3.

Mr. Cottrell moved to reconsider the vote just taken.

Mr. Thalman moved to lay Mr. Cottrell's motion on the table.

Which motion was adopted.

General ordinance No. 48, 1873, entitled :

An ordinance to establish public stands for licensed public hacks, carriages, express wagons, &c.

Was taken up and referred to the Committee on Streets and Alleys.

Special ordinance No. 34, 1873, entitled :

An ordinance to provide for grading and graveling Fletcher avenue and sidewalks from Dillon to Linden street.

Was read the second time and amended in accordance with the report of the Committee on Streets and Alleys, and ordered engrossed, read the third time, and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—None.

Special ordinance No. 35, 1873, entitled :

An ordinance to provide for grading and graveling Spann avenue and sidewalks from Dillon to Linden street.

Was read the second time, and amended in accordance with the report of the Committee on Streets and Alleys, and ordered engrossed, read the third time and passed by the following vote.

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—None.

Special ordinance No. 36, 1873, entitled :

An ordinance to provide for grading and graveling Hoyt avenue and sidewalks from Dillon to Linden street.

Was read the second time and amended in accordance with the report of the Committee on Streets and Alleys, and ordered engrossed, read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Kennington, Pressly, Sherwood, Thalman, Whitsit, Wiles and Woodburn—15.

Negative—None.

His Honor, the Mayor, offered the following motion :

Moved, That the City Solicitor be authorized and directed to procure certified copies of such laws passed by the late Legislature as in his opinion are important to the city.

Which was adopted.

Mr. Gibson offered the following motion :

Moved, That a special committee of three be appointed by the Mayor to cause a survey and plat of the Sellers' farm to be made, and the City and

Sewer Engineers are hereby directed to act with them; that said committee shall also prepare and present to this Council a plan for the occupancy of the Sellers' farm by the various kinds of business intended to be located there, and equitable rules for the regulation of said occupants, and for this latter purpose the City Solicitor is hereby directed to aid said committee.

Which was adopted.

His Honor, the Mayor, appointed as such committee Councilmen Gibson, Rush and Gimber.

Dr. Woodburn moved to reconsider the vote by which the resolution offered March 24th, 1873, providing for the appropriation of \$500, in aid of the Editorial Association Convention, was lost.

Mr. Kahn moved to lay the motion to reconsider on the table.

Which was not adopted.

The motion to reconsider was then adopted by the following vote:

Those who voted in the affirmative were Councilmen Batty, Bigham, Bollman, Gibson, Gimber, Sherwood, Thalman, Whitsit and Wiles—9.

Those who voted in the negative were Councilmen Cottrell, Craft, Kahn, Kennington, Pressly and Woodburn—6.

The question then being on the adoption of the resolution as offered by Mr. Gibson, the ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Bigham, Bollman, Gibson, Kennington, Sherwood, Thalman, Whitsit and Wiles—9.

Those who voted in the negative were Councilmen Cottrell, Craft, Gimber, Kahn, Pressly and Woodburn—6.

So the resolution was adopted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST:

JOHN R. CLINTON, City Clerk.