

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, May 5, 1873, 7 o'clock, P. M. }

The Common Council met in regular session.

Present—Dr. J. H. Woodburn, President *pro tem.*, in the chair,
and the following members:

Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson,
Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush,
Sherwood, Thalman, Whitsit, and Woodburn—17.

Absent—Councilman Wiles—1.

The proceedings of the regular session, held April 28th, were
read and approved.

ORDINANCES ON FIRST READING.

Dr. Woodburn introduced special appropriation ordinance No. 22, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims on account of City Hospital for the month of April, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Thalman introduced special appropriation ordinance No. 23, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Station House for the month of April, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Batty introduced special appropriation ordinance No. 24, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Printing, Stationery, &c., for the month of April, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Kahn introduced special appropriation ordinance No. 25, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis for the month of April, 1873.

Which was read the first and second times and ordered to be engrossed.

ORDINANCES ON THIRD READING.

Special appropriation ordinance No. 22, 1873,

Was read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—17.

Negative—None.

Special appropriation ordinance No. 23, 1873,

Was read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—17.

Negative—None.

Special appropriation ordinance No. 24, 1873,

Was read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—17.

Negative—None.

Special appropriation ordinance No. 25, 1873,

Was read the third time and passed by the following vote :

Affirmative—Councilmen Batty, Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—17.

Negative—None.

Sealed proposals for improving Tennessee street and sidewalks from First to Twelfth streets, were received, opened, read and referred to the Committee on Contracts and Citizens Committee.

Sealed proposals for grading and paving, with wooden block pavement, College avenue from Seventh street to the corporation line north, were received, opened, read and referred to the Committee on Contracts and the Citizens Committee.

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

On motion by Mr. Hardesty, Mr. R. A. Durbin was appointed to serve as judge of the Sixth Ward Election Board, in place of George Koeninger, resigned.

Mr. Cottrell presented the following :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—Not being a freeholder, I hereby resign as Inspector of the Seventh (7) Ward.

Very respectfully,

R. M. SMOCK.

Which was received.

On motion, Mr. W. A. Ketcham was appointed to serve as Inspector of the Seventh Ward Election Board.

By unanimous consent, the rules were suspended for the purpose of calling the roll for the introduction of new business.

Mr. Batty offered the following motion :

Moved, That the time be extended to the Indianapolis Building Association till the middle of June, for removing the lumber from John street.

Which was adopted.

Also the following motion :

Moved, That Neimeyer & Illenbach have permission to remove two frame houses from Pennsylvania street to the corner of Tinker and Beeler.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner examine the pavement on the corner of Delaware and St. Clair streets, and if he finds that the same is not in conformity with the balance of the street, that he cause the same to be taken up and relaid at the expense of the city, if believed to be the fault of the Engineer.

Which was referred to the City Civil Engineer, with instruction to report.

Mr. Batty introduced special ordinance No. 123, 1873, entitled :

An ordinance to light with gas Pratt street, between Meridian and Pennsylvania street.

Which was read the first time and referred to the Committee on Gas Light.

Mr. Bollman presented the following remonstrance :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—Your petitioners would respectfully represent to your honorable body that on the 31st day of March, 1873, ordinance No. 67 was introduced for grading, paving and curbing, etc., the sidewalks, between Delaware and East street on Merrill street, that such ordinance was introduced without any petition whatever and notice of the pendency thereof was duly given in the Evening Journal; that afterwards a remonstrance was prepared and signed by all the property holders on the line of said proposed improvement with the exception of two, who were at the time absent from the city, against said improvement; that said remonstrance was duly presented to the council and referred to the committee on streets and alleys; that while said remonstrance was in the hands of such committee, the ordinance was amended so as to include only the ground between Alabama and East streets as amended

was passed while such committee had the matter under consideration; your petitioners show that there was no notice whatever given of such ordinance or its pendency as required by the rules of the council, they therefore pray that such ordinance be reconsidered and remonstrate most earnestly against such improvement as it is unnecessary, and not desired by any of the property holders and your petitioners will ever pray, etc.

J. M. Ketchan, J. Mansur, M. S. Coffman, R. S. Cotton
and five others.

Which was referred to the Committee on Streets and Alleys.

On motion by Mr. Batty, the motion made by him, at the meeting of the Council held on the 28th day of April, 1873, in regard to reconsidering the vote on the Merrill street ordinance, was taken up.

The question being on the adoption of the motion to reconsider, those who voted in the affirmative were Councilmen Batty and Craft—2.

Those who voted in the negative were Councilmen Bigham, Bollman, Cottrell, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—10.

So the motion to reconsider was not adopted.

Mr. Cottrell introduced special ordinance No. 124, 1873, entitled:

An ordinance to grade and bowlder the first alley west of East street, running from Louisiana street to the north side of the second alley north of Louisiana street.

Which was read the first time.

Also special ordinance No. 125, 1873, entitled:

An ordinance to grade and bowlder the first alley north of Louisiana street, between East and New Jersey streets.

Which was read the first time.

Also special ordinance No. 126, 1873, entitled :

An ordinance to grade and pave with brick the west sidewalk of New Jersey street, from South to Merrill street.

Which was read the first time.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, April 28, 1873.

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

GENTLEMEN :—We the subscribers respectfully petition the City Council of Indianapolis, to purchase on as reasonable terms as possible the grounds owned by the Indianapolis Fair Grounds Association for the purpose of creating a public park for the perpetual use of the citizens of Indianapolis.

J. Henry Kappes, Samuel Merrill, Albert Gall, W. H. Morrison, John L. Ketcham, and 53 others.

Which was referred to a special committee to be appointed hereafter.

Mr. Craft offered the following motion :

Moved, That further time be granted, to B. Hammil to complete his contract for curbing the sidewalk of North Pennsylvania, between Washington and North streets, and that he have until the 1st day of July 1873 to complete such contract.

Which was adopted.

Mr. Craft presented the following :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN :—I hereby give my consent that Bernard Hammil, has the time of his contract for setting curb stone on North Pennsylvania street, city of Indianapolis, extended one or two months for which I am his bondsman.

JAMES BENIHAN.

Which was received.

Mr. Craft offered the following resolution :

Resolved, That the Mayor be and is hereby instructed to execute a deed to Barnabas Coffin for the following described lots, viz: 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65 and 66, in Simon Yandes subdivision of the east part of out-lot 129, in the city of Indianapolis.

Which was adopted by the following vote :

Affirmative—Councilmen Ballman, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—15.

Negative—None.

Also the following motion :

Moved, That the Street Commissioner is hereby instructed to properly sod the lot known as the City Park in the east part of the 1st ward, and also to set out not less than twelve trees in the same.

Which was adopted.

Also, the following motion :

Moved, That the Chief Fire Engineer be and is hereby instructed to furnish use of hose to puddle the excavation or fill made in putting down gas-pipe on North Delaware street.

Which was adopted.

Also the following petition :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate on the first alley east of Winston street, running north and south from New York to Michigan streets, respectively petition your honorable body to pass an ordinance providing for the grading and graveling of the first alley east of Winston street and running north and south between New York and Michigan streets. And your petitioners will ever pray, etc.

J. W. Hoagland, D. F. Wagner, A. Scott, C. E. Stein
and seven others.

Which was received.

Mr. Cottrell, from the special committee, submitted the following report:

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—The committee appointed by your honorable body to examine and report upon the proposition of the Trotting Park Association to sell their fair grounds to the city, have discharged the duty assigned them, and, after full consideration of the subject, would respectfully report, as follows:

We take it for granted that it is unnecessary to set forth the benefits to be derived by the community from the purchase and improvement of well-chosen grounds, in or near the city, to be used for park purposes. The acts and experience of all the great cities in this and other countries have long since settled all doubts in that respect, and established the absolute necessity for such improvements. Parks are now regarded as of the highest importance to all large cities, demanded alike by the rich and the poor, and indispensable to the health and recreation of all classes in the community. Where properly located and improved, they repay all outlays, and are prized more highly as time gives them increased beauty with increasing age. Even in a money point of view, and regarded as mere instruments of municipal capital, they have usually proved very fortunate, and it is believed that no people possessing them will surrender them for any consideration whatever. This fact shows the magnitude of the benefits derived from such grounds, and the strong appreciation the people have of such advantages.

It cannot be controverted that our city will sooner or later need such improvements, and it is desirable from economical motives, if from no other, that no time be lost in providing for them. The matter, indeed, has been too long delayed already, and we now see that the purchase of such grounds several years ago, in the proper localities, would have been the best investment that the City Council could have made. Even if the improvement of such grounds must be delayed for an indefinite period, good policy and wise economy demand that they be immediately obtained for future needs, and no opportunity should be lost for buying proper and well located tracts for public purposes. With the exception of a few small tracts, the title of which may be regarded as in abeyance between the city and State, there are now no squares or grounds in the city even partially open to the public other than those held by the State, the nation, or by private corporations. We have nothing, thus far, that can be dignified by the name of Park, or to which that appellation properly applies.

The modern sense of the term Park demands great space, varied surface, running waters, woodland, extended lawns and masses of rock. With these natural features, the landscape gardener, aided by time, money and labor, can produce all the beauty and scenic effect which ought to be found in the pleasure grounds owned by a busy and prosperous community. In selecting such grounds, we should endeavor to obtain as many of these natural fea

tures as possible, together with the additional advantage of nearness to the mass of the population, or else obtain unusual facilities for the cheap and rapid transit to and from them. Parks are the pleasure grounds and flower gardens for those who have nothing of the kind at home.

Many persons who now spend their leisure hours in idleness or dissipation might then pass them in the midst of pleasant scenes and artistic surroundings. The community owes much to its members in the way of recreation, and especially to those whose misfortunes or improvidence prevent their supplying their own needs in that respect. A pleasant resort should be provided for all classes, where time may be spent in an agreeable manner, with good music. The future benefit to the people would compensate all present outlay. Of course, it is not expected nor is it perhaps desirable, that this city should undertake to complete such a scheme at once, or even in the near future; but she may at once secure well located tracts, combining all natural advantages, and leave their proper development for future years.

Believing therefore, as we do, that the city should at once secure such grounds in locations easily accessible to those whom parks are most necessary, we approach the question whether the lands now offered are suitable for such purposes, provided the terms of sale are satisfactory to the Council.

The tracts now offered are the west half of the northeast quarter of section 24, township 15, north of range 3 east, containing — acres, and—— comprising — acres, and lying mostly east of the track of the Jeffersonville, Madison & Indianapolis Railroad Company, a short distance south of the present city line.

They are undoubtedly the nearest lands (to be procured at the price and in a reasonable good location) to the mass of the population, and especially of those to whom the park is an urgent need—thus filling one leading requirement. They can also be made very easily and cheaply accessible by horse car from Virginia avenue down the Shelbyville road, or, perhaps, by way of East street. They may also be readily and cheaply reached by way of the Jeffersonville, Madison & Indianapolis Railroad, from the Union Depot. In case of their purchase and improvement by the city, it is probable that a track of light rails might be laid and a dummy engine train to run to them by the railroad company. By either or both of these conveyances, easy, cheap and rapid access can be obtained, thus filling another of the main requirements we have indicated. It remains, therefore, to inquire whether, in variety of soil or surface, the grounds now offered will satisfy the various points above mentioned, demanded in a fine park.

The tract extends north and south one-half mile, and eastward one quarter of a mile, and comprising about 86 acres. The surface is rolling, being nearly equally divided between bottom and upland, and the soil varies in different places from clear sand and gravel, through sandy and clayey loam to clay. The bottom land is intersected by two streams, the smaller—now known as Bean creek—being a fork of the larger one, called Pleasant Run. These streams are very crooked, have a rapid fall, are constant, and will supply all

the needs of the park in the way of running or still water; affording ample supplies for the ponds, lakes, etc. The surface of the tract is partly wooded and partly cleared, and, with proper planting and training, will satisfy every want. The ground, therefore, meets almost every requirement, and so far as masses of rock are concerned, sufficient effect can be produced by artificial work. It is our opinion, and that of others, that it is naturally very well fitted for a park, and that if the price is satisfactory to the Council, the ground can be very readily adapted to the object in view. It must also be considered that the improvements now on the grounds can be largely utilized for park purposes, the track and fences especially, and also some of the buildings, while the materials in the remainder can be used, to a great extent, in other structures. The track is especially fine, and would afford a splendid drive through the park, and save the city much time and a large expenditure at the very outset.

The present proposition, made verbally to your committee by parties authorized to speak for the Association, is to take \$95,000 cash in hand, the city releasing the Association from all further liability on account of the subscription of \$5,000, heretofore made to the city by the Association.

We recommend that the Finance Committee, with the City Solicitor, be requested to prepare and negotiate twenty year 8 per cent. bonds to the amount of \$95,000, to provide the necessary means to effect the purchase, and that they at once proceed to close the sale.

THOMAS COTTRELL,
C. E. WHITSIT.

Which was laid over for a couple of weeks.

Mr. Gibson introduced general ordinance No. 24, 1873, entitled:

An ordinance to prohibit the erection and operation of slaughter houses within certain limits.

Which was read the first time.

On motion by Mr. Thalman, the rules were suspended for the purpose of reading the second and third times and passing the above ordinance.

The ordinance was then read the second time and engrossed, and read the third time and passed by the following vote:

Affirmative—Councilmen Batty, Ballman Bigham, Cottrell,

Craft, Gibson, Gimber, Hardesty, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Woodburn—16.

Negative—None.

Mr. Gibson presented the following:

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—Your petitioner would respectfully ask your honorable body to pay the Board of Health for their services. I am satisfied the compensation is in no comparison to the service rendered. The office is one of more importance to our citizens than is commonly supposed. The present Board of Health has done more work than any board ever did for the health of our city. I am anxious that every man should be paid for his services.

Your obedient servant,
ANDREW WALLACE.

Which was referred to the Committee on Hospitals and Benevolence.

Mr. Gibson presented the following petition:

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—I beg to suggest that your honorable body pass an ordinance to grade and gravel from curb to curb 51, feet on West street from Washington street to Market and that you will cause stakes to be set in order that I may improve my portion, 195 feet at once. I also further petition that your honorable body will cause immediately to be graded and gravelled, Potomac street from California street to Blackford street, also the grade of alley between California street and Blackford street. As soon as the stakes are set I will proceed to gravel and improve the same.

I would also respectfully petition that the grading of Potomac street from State House to California street be deferred for the present, as a majority of property owners are opposed to it.

JOHN CARLILE.

Which was referred to the Committee on Streets and Alleys.

Mr. Gibson offered the following motion:

Moved, That the Indianapolis water works company having failed to comply with the orders of this council, to lay water pipes on various streets of the city and particularly on the National road from Geisendorff street to

Blake street, which was ordered to be laid down in the month of April. Therefore the City Solicitor be and is hereby directed to bring suit against said company for a forfeiture of all rights and privileges granted said company by this council or such relief as may be proper.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, that this council condemn the practice of the Republican Central Committee of assessing the members of our fire department for political purposes.

Which was laid on the table.

Mr. Hardesty offered the following motion :

Moved, That the street commissioner be and is hereby directed to cover the area, at once, with iron grating on the corner of Illinois and Louisiana streets, and to raise the sidewalk between the stone coping of said area, and the stone coping of the sidewalk approach to tunnel to a proper level.

Which was adopted.

Also the following motion :

Moved, That Mr. T. Baker, proprietor of the Mason House in the City of Indianapolis, be authorized to put up, in front of said Mason House, a verandah similar to that placed or put up by Speigel, Thoms & Co., in front of their building on Kentucky avenue, in said city.

Which was adopted.

Mr. Kahn offered the following motion :

Moved, That the Street Commissioner be and is hereby instructed to lay down stone crossing on the east side of Pennsylvania to New York street.

Which was adopted.

Mr. Pressly introduced special ordinance No. 127, 1873, entitled :

An ordinance to grade and gravel the first alley south of Meek street, running east and west from Benton to Cady street.

Which was read the first time.

Mr. Pressly presented the following petition :

INDIANAPOLIS, May 5, 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 north of Virginia avenue, between Pine street and the first alley south east of Pine street, respectfully petition your honorable body to pass an ordinance providing for the grading and bowldering of the above described alley.

J. S. Whitset, James Perkins, A. Smith and five others.

Which was received.

Also special ordinance No. 128, 1873, entitled :

An ordinance to grade and bowlder the first alley north of Virginia avenue from Pine to Cedar street.

Which was read the first time.

Also special ordinance No. 129, 1873, entitled :

An ordinance to grade and gravel the first alley south of Buchanan street from East to Wright street.

Which was read the first time.

Also special ordinance No. 103, 1873, entitled :

An ordinance to grade and gravel Downey street and sidewalks from Japan street to Madison avenue, and to repeal "special ordinance No. 59, 1873."

Mr. Pressly presented the following remonstrance :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—The undersigned property holders living on Huron street be-

tween Noble and Dillon, would respectfully protest against the proposed improvement of brick sidewalks on Huron street.

F. G. White, W. B. Morris, Johnanna Cleary W. M. Adams and thirty-four others.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

Moved, That Mrs. M. E. Downey be permitted to place a sewer in the alley north of Merrill street, in out-lot 102, at her own expense, and that the Sewer Engineer be directed to superintend the same, and that said Engineer contract with some suitable person to erect or build the necessary catch basins.

Which was adopted.

Mr. Pressly, from the Committee on Bridges, submitted the following report :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—Your committee on bridges to whom was referred sundry proposals for building an iron bridge over the canal on West street, have examined the same and find them to be as follows, to wit :

The King Iron Bridge Company of Cleveland, Ohio, for the sum of. . . \$4,850
 Indianapolis Bridge Company of Indianapolis. 3,700
 Massilon Iron Bridge Company of Massilon, Ohio, for the sum of. 3,600
 The Wrought Iron Bridge Company of Canton, Ohio, for the sum of. . 3,450

The last named proposal is for a nine plate girder and two lattice fences, believing that, the last named, being the best one, we would recommend that the Wrought Iron Bridge Company be awarded the contract.

Respectfully submitted,

JOHN T. PRESSLY,
 L. Q. SHERWOOD,
 HENRY GIMBER,

Com. on Bridges.

Which was concurred in.

Mr. Reagan presented the following communication :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—The citizens on Kentucky Avenue want that street kept clear of material for the improvement of other localities for the reason that it ut-

terly destroys the business on the street, and is an obstruction to the use of the street, without any benefit. This thing has been kept up for the last three years, much to the annoyance of occupants and is now being used by parties for the deposit of sand and gravel to be used in constructing buildings on corner of Washington and Meridian streets, to that use a solemn protest is hereby entered.

Which was received.

Mr. Reagan offered the following resolution:

Resolved, That the City Marshal be authorized to notify Mr. Hubbard to remove the sand and gravel deposited in the north-west end of Kentucky avenue within ten days, otherwise to remove the same at the expense of the owner or owners.

Which was adopted by the following vote:

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Pressly, Reagan and Thalman—11.

Negative—Councilmen Batty, Rush, Sherwood, Whitsit and Woodburn—5.

Mr. Rush offered the following motion:

Moved, That the Street Commissioner be and is hereby directed to have a channel made, at once, from the main Kentucky avenue sewer to White river (low water mark).

Which was adopted.

Mr. Sherwood offered the following motion:

Moved, That the President appoint a special committee to confer with the Contract Committee on the block pavement between First street and the corporation line, on Tennessee street.

Which was adopted.

Mr. Woodburn, President *pro tem.*, appointed as such committee Messrs. Thos. H. Peck, J. O. D. Lilly, Wm. A. Ketcham, Geo. Carter and Isaac M. Shideler.

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

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—Your committee on contracts to whom was referred proposals for the improvement of sundry streets have examined the same and find them to be as follows, to wit:

FIRST.

For grading and graveling Fletcher avenue and sidewalks from Dillon to Linden street, the following proposals were presented.

Michael Foust, one dollar and sixty-seven cents per lineal foot front on each side of the line improved.

John L. Hanna, one dollar and seventy-five cents per lineal foot front on each side of the line improved.

S. J. Smock, one dollar and eighty-five cents per lineal foot front on each side of the line improved.

John Green, one dollar and fifty-five cents per lineal foot front on each side of the line improved.

James Mahoney one dollar and fifty-five cents per lineal foot front on each side of the line improved.

John Schier one dollar and fifty cents per lineal foot front on each side of the line improved.

Richard Carr one dollar and forty-two cents per lineal foot front on each side of the line improved.

Hiram Seibert, one dollar and thirty-eight cents per lineal foot front on each side of the line improved.

Hiram Seibert being the lowest and best bidder, we would recommend that he be awarded the contract.

SECOND.

For grading and graveling Spann avenue and sidewalks from Dillon to Linden street the following proposals were presented.

S. J. Smock one dollar and seventy-five cents per lineal foot front on each side of the line improved.

Michael Foust one dollar and sixty-four cents per lineal foot front on each side of the line improved.

John Green, one dollar and sixty-three cents per lineal foot front on each side of the line improved.

John L. Hanna one dollar and sixty cents per lineal foot front on each side of the line improved.

Richard Carr one dollar and forty cents per lineal foot front on each side of the line improved.

James Mahoney one dollar and thirty-five cents per lineal foot front on each side of the line improved.

Hiram Seibert one dollar and thirty cents per lineal foot on each side of the line improved.

Hiram Seibert being the lowest and best bidder we would recommend that he be awarded the contract.

THIRD.

For grading and graveling Hoyt avenue and sidewalks from Dillon to Linden street the following proposals were presented.

John L Hanna one dollar and sixty-five cents per lineal foot front on each side of the line improved.

Michael Foust one dollar and sixty-two cents per lineal foot front on each side of the line improved.

John Schier one dollar and fifty-four cents per lineal foot front on each side of the line improved.

John Green one dollar and forty-nine cents per lineal foot front on each side of the line improved.

James Mahoney one dollar and forty cents per lineal foot front on each side of the line improved.

Richard Carr one dollar and twenty-nine cents per lineal foot front on each side of the line improved.

Hiram Seibert one dollar and twenty-eight cents per lineal foot on each side of the line improved.

Hiram Seibert being the lowest and best bidder we would recommend that he be awarded the contract.

Respectfully submitted,

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

Which was concurred in.

On motion by Mr. Thalman, the motion made by Mr. Gibson, at the meeting of the Council held April 28, 1873, in relation to the reconsideration of the vote by which the ordinance was passed providing for the improvement of Brooks street, was taken up.

On motion by Mr. Thalman, the motion to reconsider was adopted, and the ordinance stricken from the files.

On motion by Mr. Thalman, the motion requiring A. S. Kingsley to remove his house off 6 feet of the first alley west of West street, was taken up, reconsidered, and the whole matter referred to the Committee on Streets and Alleys.

Mr. Thalman introduced special ordinance No. 131, 1873, entitled:

An ordinance to grade Brooks street from the old corporation line to a point 300 feet north.

Which was read the first time.

Mr. Thalman offered the following motion:

Moved, That the City Clerk be directed to advertise for proposals for repairing and repainting the fence around Military Park.

Which was adopted.

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

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN:—The Committee on Streets and Alleys, to whom was referred the petition of Ignatius Brown, and others, asking the vacation of portions of certain alleys in Civen's subdivision of out-lots 107 and 108, and also the remonstrance of A. Feil and others, against said vacation, have examined the matter and would report as follows:

The petitions, notices, proofs and other proceedings in the case, are regular in form and sufficient in law. The petitioners are the owners in fee of all the lots directly abutting or fronting on the parts of the alleys asked to be vacated, and if said vacation is made they will replat said ground so as to make it more valuable, and conform more nearly to adjoining additions. We have examined the present, and the proposed plats of said ground, and are of the opinion that no injury will result to any one from the proposed vacation, but on the contrary said vacation will be beneficial, both to the property of the petitioners and the remonstrants.

We therefore recommend that the prayer of the petitioner be granted, and

that the portions of said alleys as described in said petition, be vacated and report the following order of vacation therein.

Respectfully submitted,

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

ORDER OF VACATION.

Whereas, at a meeting of the Common Council of the city of Indianapolis held at their Council Chamber in said city on the 3d day of March, 1873, Mr. Cottrell a representative from the Seventh ward, presented the following petition, to-wit:

INDIANAPOLIS, Feb. 25, 1873.

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

GENTLEMEN:—Your petitioners show to your honorable body that they are the owners in fee of lots 14, 39, and 40, and also of lots 32, 33, 46 and 47 in Cavens subdivision of out-lots 107 and 108 in Indianapolis; that the lots aforesaid are the only lots which directly abut on the portions of the alley herein described, and which are asked to be vacated and that petitioners are the only persons directly affected by the proposed vacation of said alleys or parts thereof.

Your petitioners aver that the alley south of lots 14, 39 and 40 does not agree so far as its width and north line are concerned, with the alley east of High street, and that it would agree better with said last named alley, be more easily improved, and be fully as convenient to the public if a part of its north side be vacated, leaving it still wide enough for all practical purposes.

Your petitioners also aver that so much of the alley in said subdivision as lies between lots 32, 33, 46, and 47, thereof, is of no use to us as at present located, and if vacated would enable your petitioner to so replat said grounds that it would agree with the subdivision to the east and benefit said ground and add to its convenience and value.

Wherefore your petitioners pray your honorable body to order the vacation of so much of the alley in Cavens subdivision of out lots 107 and 108, as lies between lots 32 and 33, 46 and 47, and also to order the vacation of a strip twenty feet wide, (adjoining to and off the length of each of lots 14, 39 and 40 in said subdivision) off the north side of the alley lying south of said lots, 14, 39 and 40. Said ground if vacated to belong to and be attached to the above named lots respectively.

And your petitioners will ever pray.

IGNATIUS BROWN,
JAMES FRANK,
WM. KEICHAM.

Which petition was on said 3d day of March, 1873, referred to the committee on streets and alleys.

And whereas, notice of the pendency of the foregoing petition and of the time for the action of the Common Council thereon was duly given by publication in the Indianapolis Daily Journal, a newspaper of general circulation, printed and published in Indianapolis, Indiana, which notice and proof of the publication thereof, as aforesaid, were duly filed in the office of the City Clerk on the 28th day of April, 1873, in the words and figures following to-wit:

NOTICE OF VACATION.

Notice is hereby given that a petition by Brown, Frank and Ketcham, is now pending before the Common Council of the city of Indianapolis, asking for the vacation of that portion of the alley between lots 32 and 33, and 46 and 47, in Cavens subdivision of out lots 107 and 108 in Indianapolis, and also of a strip twenty feet wide off of the north side of the alley south of and adjoining lots 14, 39 and 40 of Cavens subdivision of out lots 107 and 108 to Indianapolis, said petition will be heard and the matters therein contained finally determined at the meeting of the common council to be held on the 14th day of April 1873, or at some subsequent meeting.

JOHN R. CLINTON, City Clerk.

STATE OF INDIANA, }
Marion County. } SS:

Personally appeared before the undersigned, Henry A. Loudon, clerk for the Indianapolis Journal Co, publishers of the Indianapolis Daily Journal, a newspaper of general circulation, printed and published in the city of Indianapolis in the county aforesaid who being duly sworn upon his oath saith that the notice of which the attached is a true copy was duly published in such paper for three days once a week, the first of which publications was on the 22d day of March 1873, and the last on the 5th day of April, 1873.

HENRY A. LOUDON.

Subscribed and sworn to before me this 28th day of April 1873.

F. W. WINTER, Not. Pub.

And whereas said notice, as by law required, was duly posted along the line of that portion of said alley lying between lots 32 and 33, and 46 and 47 in said Cavens subdivision, and also along that portion of the alley lying south of and adjoining lots 14, 39 and 40, of the same subdivision, which portion of the alleys aforesaid are proposed to be vacated, and which notice and the proof of the posting thereof as aforesaid was duly filed in the office of the city clerk on the 28th day of April 1873, in the words and figures following, to-wit:

NOTICE OF VACATION.

Notice is hereby given that a petition by Brown, Frank and Ketcham, is

now pending before the Common Council of the city of Indianapolis asking for the vacation of that portion of the alley between lots 32 and 33, and 46 and 47 in Cavens subdivision of out lots 107 and 108 in Indianapolis, and also of a strip twenty feet wide off of the north side of the alley south of and adjoining lots 14, 39 and 40 of Cavens subdivision of out lots 107 and 108 in Indianapolis, said petition will be heard and the matters therein contained finally determined at the meeting of the Common Council to be held on the 14th day of April, 1873, or at some subsequent meeting.

JOHN R. CLINTON, City Clerk.

STATE OF INDIANA, }
COUNTY OF MARION. } Sct.

Personally came before the undersigned, W. W. Woollen Jr., a notary public in and for said State and county, Frederick W. Winter of lawful age, who being first duly sworn, on oath says, that on the 18th day of March, 1873 he posted up in three conspicuous places, on posts, along the line of the portion of the alley between lots 32 and 33, and 46 and 47, in Cavens subdivision, of out lots 107 and 108, and also in three conspicuous places on posts, along the line of that portion of the alley lying south of and adjoining lots 14, 39 and 40 in Cavens subdivision of out lots 107 and 108 in Indianapolis, which portions of said alleys are proposed to be vacated as stated in said notice, three written copies of the notice of which the above and foregoing notice attached hereto is a true copy, and further saith not.

F. W. WINTER.

Sworn to and subscribed before me this 28th day of April, 1873, as witness my hand and notarial seal.

W. W. WOOLLEN, Jr. [SEAL].

And whereas, "the consent in writing" to the vacations of the portions of the alleys, as specified in said petition and motion, as aforesaid, by all the owners of all the lots along the line of the portions of said alleys proposed to be vacated, the said "consent in writing" being duly signed and acknowledged by the said owners, was duly filed in the office of the City Clerk on the 28th day of April, 1873, which consent in writing, and the acknowledgement thereof, are in the words and figures following, to-wit:

Know all men by these presents, that Ignatious Brown, James Frank and Wm. A. Ketcham, being the owners in fee of lots 32, 33, 46, 47 (being all the lots fronting or abutting on the portion of the alley lying between said lots in Caven's subdivision of out-lots 107 and 108, in Indianapolis), and of lots 14, 39 and 40, in said Caven's subdivision of out-lots 107 and 108, in Indianapolis (being all the lots fronting or abutting on the alley south of said lots), which said portion of said alleys are asked to be vacated in a proceeding now pending before the Common Council of the city of Indianapolis. Now therefore, said Ignatius Brown, James Frank and Wm. A. Ketcham do hereby severally and jointly consent in writing to the vacation of that portion of the alley lying between lots 32 and 33, and 46 and 47, in Caven's subdivision of out-lots 107 and 108, and also of a strip twenty feet wide off of the north side of the alley lying south of and adjoining lots 14, 39 and 40 of said Caven's subdivision of out-lots 107 and 108 in Indianapolis, said vacation to be

made by said Common Council on the petition and proceedings now pending before said Common Council. In witness of which said Ignatius Brown, Jas. Frank and Wm. A. Ketcham have hereto set their hands and seals this 17th day of March, 1873.

IGNATIUS BROWN,	[Seal.]
JAMES FRANK,	[Seal.]
WM. A. KETCHAM,	[Seal.]

STATE OF INDIANA, }
Marion County. } SS:

Before me, W. W. Woollen, Jr., a Notary Public in and for said State and county, this 17th day of March, 1873, Ignatius Brown, James Frank and Wm. A. Ketcham severally acknowledged the foregoing instrument as their act and deed. Witness my hand and notariel seal this 17th day of March, 1873.

W. W. WOOLLEN, Jr., Not. Pub.

And whereas the ownership of said lots 32, 33 and 46, 47, and of lots 14, 39 and 40, in said subdivision, is in said petitioners and has not been denied, and the remonstrance filed in the case being regarded as without just cause and insufficient, and the Committee on Streets and Alleys to whom the foregoing petition, notices, remonstrances, proofs and proceedings were referred, have duly examined the same, and after full knowledge of the premises have reported favorably thereon, and recommended said vacation as prayed for.

Now therefore, it is by the Mayor and Common Council of the city of Indianapolis, ordered, that that portion of the alley in Cavens subdivision of out lots 107 and 108 in Indianapolis, lying between lots 32 and 33 46, and 47, of said subdivision, and also that portion of the alley in said subdivision lying south of and adjoining lots 14, 39 and 40 of said subdivision, to-wit, a strip twenty feet in width off the north side of said alley south of and adjoining said lots 14, 39 and 40, as described in the petition and plat filed in these proceedings, be and the same are hereby vacated and said portions of said alleys shall revert to and belong to the owners of said lots, 32, 33, 46 and 47, and of lots 39, 14 and 40, in said Cavens subdivision of out lots 107 and 108 in Indianapolis.

Which was laid over for one week.

Mr. Thalman, from the Committee on Streets and Alleys, submitted a report relative to the petition of John Maloney, presented to Council April 28, 1873, and recommended that the prayer of the petitioner be granted, and that the vacation be ordered as soon as the petitioner files the necessary papers and affidavit with the City Clerk.

(Signed)

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

Mr. Pressly offered the following motion :

Moved, That the Street Commissioner be directed to remove the telegraph poles lately erected on Washington street, between Alabama and Noble st., the Western Union Telegraph Company having failed to comply with the order for their erection in several respects.

Which was laid over for one week.

The City Civil Engineer made the following report :

ENGINEER'S OFFICE, INDIANAPOLIS, May 3, 1873.

To the Chairman of Committee on Streets and Alleys :

SIR:—I herein submit a report of the number of yards of pavement relaid by J. J. Palmer, at the intersection of Washington and Illinois street—163 square yards of pavement.

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was received.

Dr. Woodburn presented the following :

Recapitulation of Monthly Report of the Expenditures of the City Hospital, ending March 31, 1873 :

Total expenditures for the month	\$1 317 02
Aggregate number of days for which Subsistence, etc., was furnished, 1982	
Average expense per capita per diem.....	\$0 72.0

J. W. MARSEE, Superintendent.

Which was received.

Mr. Gimber called up special ordinance No. 101, 1873, entitled :

An ordinance to grade and pave the west sidewalk of Illinois street between Ray street and Pogues Run, and for repealing special ordinance No. 30, 1873.

Which was read the second time, when Mr. Gimber moved to strike out the words eight (8) feet and insert seven (7) feet in lieu thereof.

Which amendment was adopted, and the ordinance, as amended, was ordered engrossed.

May 5, 1873.]

COMMON COUNCIL.

1219

Also special ordinance No. 79, 1873, entitled :

An ordinance to grade and pave with brick the west sidewalk of Kentucky avenue, between Tennessee and West streets.

Was read the second time and ordered engrossed.

On motion the Council adjourned.

DR. J. H. WOODBURN, Pres't, *pro tem.*

ATTEST :

JOHN R. CLINTON, City Clerk.