

# PROCEEDINGS

OF THE

# COMMON COUNCIL.

---

## REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL, }  
*Monday, October 15th, 1877—7 o'clock P. M.* }

The Common Council of the City of Indianapolis met in regular session.

Present—His Honor, the Mayor, John Caven, in the chair, and the following members: Councilmen Bagby, Brown, Bugbee, Byram, Case, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Pouder, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, A. L. Wright, and W. G. Wright—23.

Absent—Councilmen Reading and Wood—2.

The proceedings of the regular session, held October 1st, 1877, having been printed, and placed on the desks of the Councilmen, the reading of the same was dispensed with.

## REPORT FROM COMMITTEE ON CONTRACTS.

The Committee on Contracts submitted the following report; which was concurred in, and the contracts duly awarded, as recommended:

*Indianapolis, October 15, 1877.*

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Contracts, to which was referred sundry proposals, presented to Council October 1st, 1877, have examined the same, and find them to be as follows, to-wit:

First. For grading and graveling Franklin street and sidewalks, from Nebraska street to the first alley north of Yeiser street—

James W. Hudson, 61 cents per lineal foot front on each side.

Samuel J. Smock, 48 cents per lineal foot front on each side.

Geo. W. Seibert, 43½ cents per lineal foot front on each side.

James Mahoney, 37½ cents per lineal foot front on each side.

John Greene, 35 cents per lineal foot front on each side.

Fred. Gansberg, 35 cents per lineal foot front on each side.

Michael Flaherty, 30 cents per lineal foot front on each side.

John Greene being the lowest responsible bidder, your committee recommend that he be awarded the contract.

Second. For grading and graveling the first alley east of Franklin street, between Yeiser and Nebraska streets—

Samuel J. Smock, 18 cents per lineal foot front on each side.

Michael Flaherty, 14 cents per lineal foot front on each side.

J. J. McKnight, 13 cents per lineal foot front on each side.

James Mahoney, 12½ cents per lineal foot front on each side.

Geo. W. Seibert, 12 cents per lineal foot front on each side.

John Greene, 12 cents per lineal foot front on each side.

Fred. Gansberg, 11½ cents per lineal foot front on each side.

Fred. Gansberg being the lowest and best bidder, your committee recommend that he be awarded the contract.

Third. For grading and graveling the first alley west of Franklin street, between Coburn and Nebraska streets—

Samuel J. Smock, 19 cents per lineal foot front on each side.

Michael Flaherty, 15 cents per lineal foot front on each side.

J. J. McKnight, 14 cents per lineal foot front on each side.

Geo. W. Seibert, 12½ cents per lineal foot front on each side.  
 John Greene, 12½ cents per lineal foot front on each side.  
 James Mahoney, 11½ cents per lineal foot front on each side.  
 Fred. Gansberg, 11 cents per lineal foot front on each side.

Fred. Gansberg being the lowest and best bidder, your committee recommend that he be awarded the contract.

Respectfully submitted,

J. W. BUGBEE,  
 M. L. BROWN,  
 T. C. READING,  
 Committee on Contracts.

COMMUNICATION FROM THE MAYOR.

His Honor, the Mayor, submitted the following communication ; which was approved :

*Indianapolis, Ind., October 15, 1877.*

To the Common Council and Board of Aldermen of the City of Indianapolis :

*Gentlemen* :—The amount of fines collected by me during July, August, and September, 1877, due the "Home for Friendless Women," is \$427.15 ; and the amount collected during September, due the City Treasury, is \$37.95 ; which amounts I have paid the City Treasurer, as will appear by his duplicate receipts filed herewith.

Respectfully submitted,

J. CAVEN, Mayor.

The City Clerk was instructed to insert, in next regular appropriation ordinance, the amount due the "Home for Friendless Women," as shown above.

REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report ; which was approved :

*Indianapolis, October 15, 1877.*

To the Mayor and Common Council :

*Gentlemen* :—I herewith report the following estimates for work done :

A first and final estimate, allowed E. B. Elliott, for grading and graveling Bellefontaine avenue, and paving the sidewalks thereof, from Lincoln avenue to Tinker or Seventh street—

|  |          |
|--|----------|
| 1220 lineal feet grading and graveling, at 36 cents .. . . . . .             | \$439 20 |
| 1150 lineal feet paving, at 30 cents .. . . . . .                            | 345 00   |
| 70 lineal feet graveled sidewalks on alley crossings, at 23 cents .. . . . . | 16 10    |
| Total .. . . . . .   | \$800 30 |

Also, a first and final estimate, allowed John W. Richardson, for grading and graveling Carlos street and sidewalks, between Morris and Ray streets—  
1761.5 lineal feet, at 38½ cents .. . . . . . \$678 17

Also, a second and final estimate, allowed D. A. Haywood, for grading and graveling the street and sidewalks, bowldering the gutters, and curbing the sidewalks of Court street, between East and Noble streets—

|   |            |
|---|------------|
| 1719.2 lineal feet, at 71 cents .. . . . . .                        | \$1,220 63 |
| 42.9 lineal feet curbing (extra), at 35 cents .. . . . . .          | 15 01      |
| 20 lineal feet street and gutter (extra), at 32 cents' .. . . . . . | 6 40       |
| Total .. . . . . .  | \$1,242 04 |
| Less former payment .. . . . . .                                    | 596 40     |
| Present payment .. . . . . .  | \$ 645 64  |

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.

The following estimate resolution was then offered :

*Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed E. B. Elliott, for grading and graveling Bellefontaine avenue, and paving the sidewalks thereof, from Lincoln avenue to Tinker or Seventh street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.*

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Cochran, Izor, Layman, Marsee, McGinty, Pouder, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, and W. G. Wright—18.

Negative—None.

The following estimate resolution was also offered :

*Resolved, by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed John W. Richardson, for grading and gravel-*

ing Carlos street and sidewalks, between Morris and Ray streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Cochran, Izor, Layman, Marsee, McGinty, Pouder, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, and W. G. Wright—18.

Negative—None.

The following estimate resolution was also offered :

*Resolved, by the Common Council and Board of Aldermen, That the foregoing second and final estimate, allowed D. A. Haywood, for grading and graveling the street and sidewalks, bowldering the gutters, and curbing the sidewalks of Court street, between East and Noble streets, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.*

Which was adopted by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Cochran, Izor, Layman, Marsee, McGinty, Pouder, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, and W. G. Wright—18.

Negative—None.

The City Clerk submitted the following report ; which was concurred in :

*Indianapolis, October 15, 1877.*

To the Mayor and Common Council :

*Gentlemen:*—I herewith report the following affidavits, now on file in my office, for the collection of street assessments by precept, to-wit :

|  |         |
|--|---------|
| Richard Carr vs. Charles Ballinger, for..... | \$66 55 |
| Richard Carr vs. Samuel Hanway, for .....    | 61 20   |
| John Greene vs. Mary Enners, for .... .      | 4 86    |

And respectfully recommend that you order the precepts to issue.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The precepts were ordered to be issued by the following vote :

Affirmative—Councilmen Brown, Byram, Case, Cochran, Izor, Layman, Marsee, McGinty, Pouder, Reed, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, Watts, and W. G. Wright—18.

Negative—None.

The Street Commissioner submitted the following report ; which was received :

To His Honor, the Mayor, Common Council, and Board of Aldermen :

*Gentlemen* :—I have the honor to submit the following report of work done in my Department for the month of September, 1877 :

Repaired, with gravel, the following streets: Alabama street, from Washington street to Massachusetts avenue; New York street, from Meridian to East street; Ohio street, from Illinois to Alabama street; New York street, from canal to West street; Vermont street, from canal to West street; Ellsworth street, from New York to Vermont street; Central avenue, from St. Mary to Tenth street.

Repaired the bowldered streets as follows: Washington street, from Illinois to East street; Alley, between Illinois and Meridian streets, from Washington to Market street.

Built culvert on south side of North street, at intersection of California street; and on east side of Cady street, from Lord street to I., C. & L. R. R.

Repaired bridge over Pogue's Run, on Brookside avenue.

Repaired 119 culverts.

Repaired 68 foot-bridges.

Cleaned 162 foot-bridges and culverts.

Repaired railing around the tunnel.

|   |            |
|---|------------|
| Pay Rolls.....                                  | \$2,628 52 |
| Wilber T. Wright, oak lumber..                  | 159 13     |
| Indianapolis Rolling-Mill Company, cinders..... | 25 00      |
| Seibert & Carr, gravel....                      | 7 50       |
| Samuel Patterson, gravel....                    | 42 50      |
| C. E. Geisendorff, gravel.....                  | 29 50      |
| Ike King, blacksmithing.....                    | 4 00       |
| Clemens Vonnegut, hardware .....                | 59 95      |
| G. H. Shover, smithing.....                     | 11 80      |
| C. C. Foster & Co., oak lumber... ..            | 112 00     |
| Wm. Hillman & Son, smithing.....                | 21 20      |
| Hamilton Bailie, sand delivered .....           | 101 00     |
| McDonough & Townsend, pipe .....                | 1 12       |
| A. Hafner, rubber boots... ..                   | 10 50      |

|   |                   |
|---|-------------------|
| Aaron Grube, oak lumber . . . . .           | 46 40             |
| Hildebrand & King, lumber . . . . .         | 44 85             |
| P. E. Everett, repairing fountain . . . . . | 3 15              |
| Carr & Gansberg, bowlders . . . . .         | 28 50             |
| <b>Total . . . . .</b>                      | <b>\$3,336 62</b> |

Respectfully submitted,  
L. A. FULMER, Street Commissioner.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Accounts and Claims, through Councilman Layman, submitted the following report ; which concurred in :

*Indianapolis*, October 15, 1877.

To His Honor, the Mayor, and Members of the Common Council :

*Gentlemen* :—Your committee, to whom was referred the claim of M. S. Bodkin, for livery hire during the months of March and April, 1877, under ex Chief Dewey’s administration, make the following report :

We have interviewed Mr. Dewey, and he positively claims that the bill is correct and just, and that the service was rendered the city during the excitement of the bank robbery last spring. Under this statement, we recommend the payment of the claim, \$20.50, as per bill enclosed.

Respectfully submitted,  
JAMES T. LAYMAN,  
JAMES E. WATTS,  
JOHN THOMAS,  
Committee on Accounts and Claims.

The Committee on Finance, through Councilman A. L. Wright, submitted the following report ; which was concurred in :

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

*Gentlemen* :—Your Committee on Finance, to whom was referred the report of the City Treasurer, showing the receipts and payments by said Treasurer from September 3d to September 30th, 1877, would respectfully report that we have examined the books of the Treasurer, and compared the report with the accounts as shown by said books, and find the report correct.

Your committee have examined carefully into the expenditures of the city, from May 15th to October 15th—five months—and have compared the expenditures of each separate Department with the estimated expenses of the year, and find that the interests of the city have been carefully guarded by

the committees under whose care the several Departments have been placed. If the same economy is practiced during the remaining seven months as during the five months of the fiscal year that have passed, the year's expenses will be within the estimates, excepting for gas and water rent.

Respectfully submitted,

A. L. WRIGHT,  
N. S. BYRAM,  
J. THOMAS,  
J. B. DILL,  
MARTIN MCGINTY,  
Committee on Finance.

The Committee on Markets and City Attorney submitted the following report; which was concurred in:

*Indianapolis, October 15, 1877.*

To the Mayor and Common Council:

*Gentlemen*:—Your Committee on Markets and City Attorney, to whom was referred a communication from William Detrick, and general ordinance No. 39, 1877, relative to establishing a Southside Market, would report that we have had the matter under consideration, and would report in favor of the passage of said ordinance.

Respectfully submitted,

MILTON POWDER,  
WILLIAM M. COCHRAN,  
ALBERT IZOR,  
Committee on Markets.  
R. O. HAWKINS,  
City Attorney.

The Committee on Streets and Alleys, through Councilman Watts, submitted the following report; which was read, considered, and concurred in by clauses:

*Indianapolis, October 15, 1877.*

To the Mayor and Common Council:

*Gentlemen*:—Your committee, to whom were referred certain motions, would respectfully report as follows thereon:

1st. Are two motions, granting permission to Gillett Bros. to lay an iron trackway across Georgia street, and granting permission to same parties to take up brick sidewalk, and put down plank crossing.

We recommend the adoption of the motions, and that the work be done under the City Civil Engineer's directions.



2d. Is a motion directing the Street Commissioner to place foot-crossings at the intersection of Alabama and Sixth streets.

We recommend the work be done, and consist of two wooden bridges.

3d. Is a motion directing Street Commissioner to clean Alabama street gutter, from Morrison street to the State Ditch.

We recommend the work be done.

4th. Is a motion, instructing the Street Commissioner to notify Willis W. Wright to repair his sidewalk. Also, a motion instructing the same official to gravel Madison avenue, between McCarty street and the J., M. & I. R. R. track.

We recommend adoption of both motions.

JAS. E. WATTS,

JAMES T. LAYMAN,

Committee on Streets and Alleys.

Report from Council Committee on Water-Works and joint Aldermanic and Council Committee on Compromise with Water-Works Company of Indianapolis, through Councilman Marsee, submitted the following report; which was concurred in:

*Indianapolis*, October 15, 1877.

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—Your joint committee, to whom was referred the communication from the Water-Works Company, in relation to a conference, would report that we have had the matter under consideration, and have had several meetings with the representatives of said company, and we herewith submit, as the result of our conference, several propositions that have been agreed upon between us. We would recommend that the same be approved, and referred to the City Attorney, with instructions to prepare and submit to Council a contract, embracing the several stipulations contained in said propositions.

Respectfully submitted,

JOHN L. MARSEE,

ISAAC C. WALKER,

N. S. BYRAM,

HENRY COBURN,

I. W. STRATFORD,

WM. WALLACE,

Joint Committee.

Same joint committee submitted the following propositions; which were approved, and same were referred to City Attorney, with instructions to draft contract in keeping with same;

1. Differences having arisen between the city authorities of the City of Indianapolis and the Water-Works Company of said city, touching the water supply for public use; and the Common Council and Board of Aldermen having ordered the discontinuance of one hundred fire-plugs heretofore used and paid for by the city, while the Water-Works Company claim that the city is under legal obligations to pay for said one hundred fire-plugs at the rate of fifty dollars per annum: Now, for the purpose of settling said controversy, and make provision for the future supply of water for public purposes, for the term of one year, The Water-Works Company makes to Common Council and Board of Aldermen of said city the following propositions, which, if accepted, are to form the basis of a contract for one year, and, thereafter, until a new arrangement shall be demanded by either of the parties, which may be done at the end of any year; and, in the event The Water-Works Company and city can not agree upon the rates to be paid by said city, the matter of rates shall be submitted to arbitration, as provided for in an ordinance of said city, entitled "An ordinance authorizing the Water-Works Company of Indianapolis to construct, maintain, and operate Water-Works, and supply water to the city and citizens of Indianapolis, defining their powers and privileges, and prescribing their duties," passed January 3, 1870. But the acceptance of these propositions shall not be deemed a surrender of any rights of either party under the prior legislation of the city, or any arrangements heretofore made between the Water-Works Company and the city, except so far as modified or changed herein.

2. That water from fire-plugs be used exclusively for fire protection, for filling public cisterns, and for cleaning public sewers.

3. That during time of fires, when fire streams are used from fire-plugs, no water shall be used from fire-plugs for filling cisterns, cleaning sewers, or for any other public use.

4. That the company be authorized to employ a man, to see that the fire-plugs are properly opened; that no water is used from fire-plugs for filling cisterns, slushing sewers, or for any other public service, during time of fire; and that he be granted authority and protection, by ordinance, in exercising his duties; that he shall report any violation of these rules to the Chief Fire Engineer or Fire Board, whose duty it shall be to investigate, and apply the proper remedy.

5. That street-sprinkling from fire-plugs be discontinued.

6. That public drinking fountains be paid for at the same rate as fire-plugs.

7. That the fountain in Military Park be continued, and paid for as heretofore.

8. That only two streams from a fire-plug shall be used, at one time, in cleaning sewers, and that not to exceed six hours in any one day.

9. The price to be paid for each fire-plug and drinking-fountain to be \$50 a year, payable quarterly. The number of fire-plugs not to be less than 472, which is a reduction of 80 from the number now in use.

10. The use of water at the engine houses from a regular house connection, for all uses connected with the Department and at the Station House, to be furnished without extra charge.

11. The Council is respectfully requested to pass the ordinances now on their files for the better protection of fire-plugs.

12. This contract to be in force from August 15th, 1877.

#### REPORT FROM SPECIAL COMMITTEE.

Councilman Dill, chairman of a special committee, submitted the following report, which was concurred in :

To His Honor, the Mayor, and Common Council :

*Gentlemen*:—Your committee, to whom was referred the investigation of the City Civil Engineer's Department, with a view to reducing the expense of said Department, would respectfully recommend that the draughtsman be dispensed with, and his duties be added to the other attaches of the office.

J. B. DILL,  
A. L. WRIGHT,  
I. C. WALKER,  
Special Committee.

#### MESSAGES FROM THE BOARD OF ALDERMEN.

The following message from the Board of Aldermen was read, considered, and concurred in by clauses :

To the Mayor and Common Council :

*Gentlemen*:—At a regular session of the Board of Aldermen, held Tuesday evening, October 2d, 1877, the following action was had :

1st. The action of your honorable body, in granting the request of Messrs. Cobb & Branham, as set forth in their petition of October 1st, 1877, was approved, with an amendment, providing that the work be performed under the supervision of the City Civil Engineer.

2d. The action of your honorable body, in adopting the motion granting permission to A. L. Reasner to put in a wooden culvert in front of his pro-

perty, No. 55 Arsenal avenue, was approved, with an amendment, providing that the work be done under directions of the City Civil Engineer.

Respectfully submitted,

GEO. T. BREUNIG,  
Clerk of Board of Aldermen.

Also, the following message was duly concurred in :

To the Mayor and Common Council :

*Gentlemen*:—At a regular session of the Board of Aldermen, held Tuesday evening, October 2d, 1877, the accompanying report from the Aldermanic Committee on Benevolence and Hospitals, was concurred in, thereby concurring in the action of your honorable body regarding the purchase of five additional lots in Greenlawn Cemetery for burial purposes, and further recommending that your honorable body have a suitable plat made, for the use of the City Sexton.

Respectfully submitted,

GEO. T. BREUNIG,  
Clerk of Board of Aldermen.

#### INTRODUCTION OF ORDINANCES.

Councilman Case presented the following petition; which was received :

*Indianapolis*, October 2, 1877.

To the Mayor and Common Council :

We, the undersigned property holders, petition your honorable body to pass an ordinance providing for grading and graveling the first alley east of Cook street, between Georgia and Louisiana streets.

JOHN LOSEY,  
MARGARET <sup>Her</sup> ~~X~~ HINE,  
<sub>mark.</sub>  
S. DEARRINGER,  
JOHN BLETTNER & WIFE.

Also, introduced the following special ordinance; which was read the first time :

S. O. 33, 1877—An ordinance to provide for grading and graveling the first alley east of Cook street, from Georgia street to Louisiana street.

Councilman Izor presented the following petition; which was received :

*Indianapolis*, October 10, 1877.

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on State avenue, between Washington and Michigan streets, respectfully petition for the passage of an ordinance, providing for the grading and graveling of said avenue and sidewalks, between the points named, and to provide for filling the low ground with any earth taken from said avenue in grading.

And your petitioners will ever pray, etc.

J. M. Ridenour; James Bryce, by order to J. M. R.; C. E. Merrifield; H. J. Lacy, by order to J. M. R.; Charles Mansur; T. B. Pence, by order to J. M. R.; Dr. W. W. Hester, by order to J. M. R.; J. M. McGill's estate, by order to J. M. R.; W. A. Stewart; Wm. W. Welling.

Also, introduced the following ordinance; which was read the first time:

S. O. 34, 1877—An ordinance to provide for grading and graveling State avenue and the sidewalks thereof, from Washington to Michigan street.

Councilman McGinty presented the following petition; which was received:

*Indianapolis*, October 15, 1877.

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on Morris street, between Illinois and Tennessee streets, respectfully petition for the passage of an ordinance, providing for grading and graveling the first alley west of Illinois street, from Morris street to the first alley south of Morris street.

And your petitioners will ever pray, etc.

LORENZ SCHMIDT,  
Guardian of Laura Schweinsberger  
and Henry Schweinsberger.

Also, introduced the following ordinance; which was read the first time:

S. O. 35, 1877—An ordinance to provide for grading and graveling the first alley west of Illinois street, from Morris street to the first alley south of Morris street.

## UNION R. R. TRANSFER AND STOCK-YARD COMPANY.

His Honor, the Mayor, submitted the following report and accompanying papers ; which were read, and duly received :

To the Common Council and Board of Aldermen of the City of Indianapolis :

*Gentlemen* :—The undersigned, trustees of the city in the matter of certain bonds held in trust for the Union Railroad Transfer and Stock-Yard Company, would respectfully report :

1st. That we have received from said Company a communication, claiming to have performed so much of the contract on their part as entitles them to a delivery of the first installment (\$400,000) of said bonds ; which communication (marked "Exhibit A"), is presented herewith.

2d. On October 13th, we addressed a letter to Messrs. B. C. Shaw and J. M. Kitchen, City Directors ; which letter (marked "Exhibit B"), is filed herewith.

3d. And from whom we received a reply (marked "Exhibit C"), filed herewith.

4th. We are also in receipt of a certificate from the City Civil Engineer and the Engineer of said Road (marked "Exhibit D" and "Exhibit E"), filed herewith.

5th. We are also in receipt of a certificate from the City Attorney (marked "Exhibit F").

6th. We have examined the books and vouchers for expenses by said Company, and are satisfied that over \$536,000 have been judiciously expended by said company in the construction of the work.

7th. We certify that said company have completed, according to the tenor and terms of the proposition of said company, a single-track railroad from the Cleveland, Columbus, Cincinnati and Indianapolis Railroad to the Pittsburg, Cincinnati and Saint Louis Railroad, on the east ; and the double-track portion of said railroad is completed from the Pittsburg, Cincinnati and Saint Louis Railroad, on the east, to the Terre Haute and Indianapolis Railroad, on the west, connecting the Indianapolis and Saint Louis, and Indianapolis, Bloomington and Western Railroads with the same.

8th. We also certify that said company have located, on the line of said company's railroad, stock-yards of a sufficient capacity, and on a tract of land one hundred and five acres in extent, and have erected thereon the necessary buildings and pens, of a character to attract the shipment of live

stock to this city, and of ample and sufficient capacity to accommodate and care for all live stock that may be brought to the city.

9th. We also present, for your inspection, the mortgage executed by said company as provided for in the proposition and ordinance on the subject.

10th. The company now request the exchange of the first installment of bonds (\$400,000); which request your trustees are about to grant, and make to you this report as a preliminary thereto, as required by section 2, of the ordinance governing the subject.

11th. The company have done a large amount of work on the line between the I., B. & W. Railroad and the I., C. & L. Railroad, on the northwest end of their road, none of which was necessary to be done to entitle them to the first installment of bonds, but is so much in excess.

12th. There are some details about the stock-yard not entirely completed, but, as the work is being rapidly done, and would not require a large amount of money to complete them, your trustees propose to retain, for the present, \$200,000 of the bonds—only delivering the amount of \$200,000.

JOHN CAVEN,  
D. M. RANSELL,  
ENOS B. REED,  
Trustees.

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EXHIBIT A.

*Indianapolis, October 13, 1877.*

Hon. John Caven, Enos B. Reed, and D. M. Bansdell, Trustees:

*Gentlemen:*—This is to certify that the railroad of the Union Railroad Transfer and Stock-Yard Company, by a single track from the Cleve and, Columbus, Cincinnati & Indianapolis Railroad, on the east, to the Pittsburg, Cincinnati & St. Louis Railroad; and a double track, from there to the Terre Haute & Indianapolis Railroad west, connecting the Indianapolis & St. Louis and Indianapolis, Bloomington & Western Railroads with the same,—has been fully completed according to the terms required by ordinance No. 51 of the City of Indianapolis; and the necessary buildings, pens, etc., of sufficient capacity to accommodate and care for all live stock brought to this city, has also been completed.

In the building and construction of said railroad and stock-yards, our company has paid a sum exceeding five hundred thousand dollars (\$500,000); all of which has been expended in the most careful and prudent manner. And we, therefore, ask that the four hundred thousand dollars of the bonds

of the City of Indianapolis be delivered to us, in exchange for a like amount of the bonds of our Company, in accordance with the terms of said ordinance No. 51 of the City of Indianapolis.

Respectfully,

W. R. McKEEN, Prest,

Attest: E. F. CLAYPOOL, Sec'y.

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EXHIBIT B.

*Indianapolis, October 13, 1877.*

Messrs. B. C. Shaw and J. M. Kitchen, City Directors U. R. R. T. & S. Y. Co.:

*Gentlemen*:—The Board of Trustees have been notified that the company claim to have performed the necessary conditions on their part to entitle them to a delivery of the first instalment of bonds (\$400,000).

Please certify to us whether, in your judgment, said company have substantially performed the conditions on their part, and, if not, in what the deficiency consists.

ENOS B. REED,  
JOHN CAVEN,  
D. M. RANSELL,  
Trustees.

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EXHIBIT C.

*Indianapolis, October 13, 1877.*

Hon. John Caven, Mayor of the City of Indianapolis:

In answer to your communication of this date, we have the honor to state that, in our opinion, the contract of the Union Railroad Transfer & Stock-Yard Company has been substantially complied with so far, and that more than (\$500,000) five hundred thousand dollars have been expended thereon; that the road, from the C., C. C. & I., on the east, to the I. B. & W., on the west, is substantially completed, the stock-yard buildings are ready for the receipt of stock according to contract, and more buildings are approaching completion, and all the work has been done in a very superior manner.

Respectfully,

J. M. KITCHEN,  
B. C. SHAW,  
City Directors.

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EXHIBIT D.

*Indianapolis, October 15, 1877.*

To the Honorable Board of Aldermen and the Honorable Common Council  
of the City of Indianapolis:

I, Robt. L. Read, Chief Engineer of the Union Railroad Transfer & Stock-Yard Company, do hereby certify that said company purchased an eligible



tract of land, comprising one hundred and five (105) acres, for stock-yard uses, and have erected thereon suitable buildings for receipt of and handling stock, in accordance with the requirements of ordinance No. 51; that the single-track railroad is completed from the C., C. & I. Railroad to the P., C. & St. L. Railroad, and the double-track portion of said railroad is completed from the P., C. & St. L. Railroad, on the east, to the T. H. & I. Railroad on the west, connecting the I. & St. L. Railroad and the I., B. & W. Railway with the same, according to the requirements of said ordinance No. 51.

I had a personal supervision of purchasing materials and the prosecution of the work, and further certify that only the best materials were used, and that the work has all been done in the most approved and workmanlike manner.

Very respectfully,

R. L. READ, Chief Eng.

Attest: E. F. CLAYPOOL, Sec'y.

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EXHIBIT E.

Indianapolis, October 15, 1877.

To the Mayor and Common Council:

*Gentlemen:*—I have made personal examination of the Union Railroad Transfer & Stock-Yard, and hereby certify that the single-track road, from the C., C., C. & I. R. R. to the P., C. & St. L. R. R., and the double-track from the P., C. & St. L. R. R. to the St. L., V. & T. H. R. R., are completed, and connections made with the P., C. & St. L., C., H. & I., I., C. & L., J., M. & I., I. & V., St. L., V. & T. H., I. & St. L., and I., B. & W. Railroads, according to the tenor and terms of the ordinance, and that the bridge over White River is built of iron, with stone abutments and piers, and is of the best material as are also the wooden pile bridges at other points on the road. I would add that the stock-yards are located on a tract of land purchased by the company, and comprise one hundred and five (105) acres, and that several buildings thereon, covering eight acres, are now finished and ready for receipt of stock, according to contract, and more buildings are rapidly approaching completion, all constructed of the best material and in a workmanlike manner.

I would also call your attention to the construction of that part of the road at the east end of the White River bridge, it being built upon piles, which, though done in the usual manner, should be made stronger with earth. I am informed, however, that it is the intention of the company to put in a fill along this part of the road, up to the bridge.

At a test of the bridge over White River, there was some variation in the deflexion taken by Mr. Defrees and myself, but, from the appearance of the

bridge and its test under a great weight, I am of the opinion that it is a good and substantial structure.

Respectfully submitted,

BERNHARD H. DIETZ, City Civil Engineer.

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EXHIBIT F.

*Indianapolis*, October 15, 1877.

To Hon. John Caven, D. M. Ransdell, and E. B. Reed, Trustees :

*Gentlemen* :—I would hereby report that I have examined the mortgage executed by the Union Railroad Transfer & Stock-Yard Company to the City, and am of the opinion that the same is in proper form, and according to the stipulations and terms of the ordinance and contract between said company and the city.

I have also examined the abstract of the title of the real estate upon which the stock-yards are located, and am of the opinion that the title is perfect in all respects.

Respectfully,

R. O. HAWKINS, City Attorney.

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THIS INDENTURE, Made as of the first day of December, 1876, between the Union Railroad Transfer & Stock-Yard Company, a corporation organized and existing under the laws of the State of Indiana, of the first part, and the City of Indianapolis of the second part, *Witnesseth* :

*Whereas*, On the 30th day of August, 1876, the said party of the first part, being then organized as a corporation, as aforesaid, had in view the construction of a railroad passing around said city, and crossing a portion of the same, and entering into said city, and also the erection of stock-yards upon the line of its said railroad, and to that end, desired to obtain aid from said city, towards the construction of its said road, pursuant to the statute in such case made and provided.

*And, Whereas*, On the day last aforesaid, said party of the first part, through its President, submitted to the said party of the second part, through its Mayor, a written proposition, as follows, to-wit :

To the Hon. John Caven, Mayor of the City of Indianapolis :

The Union Railroad Transfer & Stock-Yard Company have organized under the general laws of the State of Indiana, for the purpose of constructing a railroad around the City of Indianapolis and the erection of stock-yards in connection therewith, and such company will make to the City of Indianapolis the following proposition :

We will build a single-track, standard-gauge railroad from a point in North Indianapolis, on the Indianapolis, Cincinnati & Lafayette Railroad, and running thence, southwestwardly, to and connecting with the Terre Haute & Indianapolis Railroad, and will build a double-track, standard-gauge railroad (with a third rail for narrow-gauge connections, to be laid as soon as any such narrow-gauge road is built, and desires to connect), commencing at the Terre Haute & Indianapolis Railroad, west of White River, and running from thence, continuously southwestwardly, eastwardly, and northwardly, to and connecting with the Pittsburg, Cincinnati & St. Louis Railroad, and a single-track to the Cleveland, Columbus, Cincinnati & Indianapolis Railroad, with the right and privilege at any time hereafter to lay one or more additional tracks whenever they find the business of the road demands it, together with all necessary and proper switch connections of other railroads crossed, and with permission to manufacturers and others to connect by switches and side-tracks; said road to be built entirely at the expense of said company, and to be by it owned and controlled and forever maintained in good repair and serviceable condition. Said company will also locate, on the line of said railroad, stock-yards of a sufficient capacity and on a tract of land not less than one hundred acres in extent, and erect thereon the necessary buildings, pens, etc., of a character to attract the shipment of live-stock to this city, and of ample and sufficient capacity to accommodate and care for all live-stock that may be brought to this city.

The length of said railroad will be about twelve miles, and the cost of the road and stock-yards will be about \$1,000,000.

The City of Indianapolis to prepare her bonds to the amount of five hundred thousand dollars (\$500,000), running twenty years, and bearing not to exceed seven per cent. interest, payable in the City of New York. Said bonds to be placed in the hands of John Caven, as trustee, or such other person as may be mutually agreed upon by the city and the company, and when said stock-yards are completed, and the single-track railroad from the Cleveland, Columbus, Cincinnati & Indianapolis Railroad, on the east, to the Pittsburg, Cincinnati & St. Louis Railroad, and the double-track portion of said railroad is completed from the Pittsburg, Cincinnati & St. Louis Railroad, on the east, to the Terre Haute & Indianapolis Railroad, west, connecting the Indianapolis & St. Louis and Indianapolis, Bloomington & Western Railways with the same, according to the terms of this proposition, and it shall be certified so to be to the satisfaction of the trustee, by the civil engineer and the engineer of said company, then four hundred and fifty thousand dollars (\$450,000) of said bonds to be delivered to said company, the company at the same time delivering to your city a like amount and character of the bonds of said railroad, with like interest, payable semi-annually at the City Treasury in Indi-

anapolis, except that the interest shall be payable thirty days before the falling due of the interest on the bonds of said city; said company also delivering to said city a first mortgage on said railroad, its franchises, road-bed, tracks, switches, and rolling-stock, to secure payment of said bonds, and a mortgage on the buildings and other property of said stock-yards, and on the lands thereof, second only to any mortgage which may be given to secure the purchase price of said lands; said railroad company also guaranteeing to pay promptly all principal, interest, and exchange of and on said city bonds, to save the city forever free and harmless from all liability of said bonds or interest, and to pay and cancel and return said bonds and coupons to said city, upon which said city shall return the bonds to said company and satisfy said mortgages. And when the said road shall be completed, as aforesaid, to the Indianapolis, Cincinnati & Lafayette Railroad at North Indianapolis, then the remaining fifty thousand dollars (\$50,000) of city bonds shall be, in like manner, delivered to said company, and on the same terms and conditions as above described.

We also propose to let the building of the whole of said road simultaneously, as speedily as the necessary arrangements can be made, and will complete the same during the year 1877. The city may elect one member of the board of directors, having the same vote and power as any other director.

We wish prompt action, for we desire to commence the work at once, completing the stock-yards and the larger portion of the road this fall, and give employment, at a needed time, to a large number of laborers.

Without your aid the enterprise will be abandoned: with it, the company will bind itself to commence work within thirty days after the acceptance of the proposition by the Common Council of the City of Indianapolis, and to finish it completely within the year 1877. And if this proposition is accepted, we will be prepared to commence at once to build the Union Railroad Transfer and Stock-Yards.

THE UNION RAILROAD TRANSFER AND STOCK-YARD COMPANY,

Attest:

By W. R. McKEEN, President.

JOHN THOMAS, Secretary.

August 30, 1876.

*And, Whereas, Afterwards, on the 4th day of September, 1876, said party of the first part, in like manner, submitted to said party of the second part its written supplemental proposition, as follows, to-wit:*

To the Hon. John Caven, Mayor of the City of Indianapolis:

In the proposition presented to you August 29, 1876, by the Union Railroad Transfer & Stock-Yard Company, said company offered to give to the city a first mortgage on the railroad and a second mortgage on the lands of the

stock-yard. Said company were satisfied they were giving the city ample security, but have ascertained that it would be more satisfactory to some of your citizens should said company execute a first mortgage also on the lands and property of the stock-yard; and said company now modify its first proposition to this effect:

The said company will, on the execution and delivery of the city bonds, as in said first proposition mentioned, execute to the city a first mortgage on all the property of said Union Railroad Transfer & Stock-Yard Company, including the franchises, road-bed, switches, and rolling-stock of said railroad, and also on the stock-yard land, not less than one hundred acres, with all the appurtenances thereto belonging.

UNION RAILROAD TRANSFER AND STOCK-YARD COMPANY,

By W. R. McKEEN, President.

Attest: JOHN THOMAS, Secretary.

Indianapolis, September 4, 1876.

*And, Whereas,* Immediately after the reception of said proposition and supplemental proposition, respectively, said Mayor, by publication in the newspapers of said city, communicated each thereof to the resident freeholders of said city, for their consideration.

*And, Whereas,* Afterwards, to-wit, on the 18th day of September, 1876, a petition of resident freeholders of said city was presented to the Common Council of said city, at a regular meeting thereof, as follows, to-wit:

To the Honorable, the Common Council of the City Indianapolis:

We, the undersigned, resident freeholders of said city, respectfully petition your honorable body to make a donation to aid in the construction of the railroad of the Union Railroad Transfer & Stock-Yard Company, the said company having been incorporated under the laws of this State August 29, 1876; said donation to be in form, and to the extent following:

When said company shall have completed said railroad and stock-yards according to the terms of a proposition to build said road and stock-yards, addressed to John Caven, Mayor of the city, and published in the papers of said city August 31, 1876, and a supplemental proposition of date September 4, 1876, published in said city papers September 5, 1876, then the said city to donate to said railroad company her bonds to the amount of \$500,000, with seven per cent. interest, payable semi-annually, running twenty years, to be delivered to said railroad company when said company shall agree and guarantee to and with said city that said railroad company will pay and satisfy all the interest and principal of said bonds promptly, when the same shall fall due, and also execute to the city a first mortgage on their said railroad, its franchises, road-bed, tracks, switches, and rolling-stock, and on the stock-

yards, its lands thereof, not less than one hundred acres, with all the appurtenances thereto belonging, to secure the performance of the agreement on the part of said railroad, to the effect that they will take up and pay said bonds, principal and interest, and forever save the city free and harmless from all liability or payment of said bonds or interest, or any portion thereof; said proposed railroad running into and through a portion of said city.

*September 5th, 1876.*

*And, Whereas,* On the day and year last aforesaid, upon the presentation of said petition, said Common Council, at said meeting, appointed a committee to examine the said petition, and ascertain whether a majority of all the resident freeholders of said city had in fact signed the said petition; which committee afterwards reported to said Common Council, at a meeting had on the 25th day of September, 1876, in substance and effect as follows: That they had carefully examined said petition, and compared the same with the tax-duplicate of said city, and found that the said petition had been duly signed by more than a majority of all the resident freeholders in said city; which report was, by said Common Council, then and there received and adopted.

*And, Whereas,* Afterwards, to-wit, on the 16th day of October, 1876, said Common Council passed and established an ordinance entitled "An ordinance providing for the issuing of certain bonds in aid of the Union Railroad Transfer & Stock-Yard Company, and prescribing the condition upon which such bonds are issued and delivered."

In and by the first section of said ordinance, it was, in effect, ordained that said proposition of the party of the first part be accepted, and the prayer of the said petitioning freeholders granted; and that the Finance Committee of said Common Council should cause to be prepared bonds of said city, to the amount of five hundred thousand dollars, of the denomination of one thousand dollars each, to be dated January 1st, 1877, and made payable to the party of the first part, or order, twenty years after the date thereof, with interest at the rate of six per cent. per annum, payable semi-annually, upon the first days of July and January, respectively, principal and interest to be payable in the City of New York, without relief from valuation or appraisal laws; said bonds to be signed by the Mayor and attested by the Clerk; and that when so prepared, they should be delivered to a Board of Trustees, consisting of the Mayor and two Councilmen, the latter to be elected in trust to be by them held until the work proposed to be done by said party of the first part should be faithfully and fully completed according to said proposition.

In and by the second section of said ordinance it was, in substance and effect, provided, among other things, as follows, to-wit: That when said

stock-yards should be completed according to the terms of said proposition, and when said railroad should be built from said Cleveland, Columbus, Cincinnati & Indianapolis Railroad, on the east, to the Terre Haute & Indianapolis Railroad, on the west, connecting the Indianapolis & St. Louis and the Indianapolis, Bloomington & Western Railroads with the same, according to the terms of said proposition, such fact being certified to said Common Council in the mode therein provided, and also that five hundred thousand dollars had been actually expended in the construction and equipment of the road and stock-yards, then, and not before, said trustees should deliver to said company four hundred thousand dollars of said bonds, the said party of the first part, at the same time, delivering to said trustees, for the party of the second part, a like amount of its bonds, of like character, dated December 1st, A. D. 1876, with like interest, payable semi-annually on the first days of June and December, respectively—principal and interest payable at the banking house of Winslow, Lanier & Co., in the City of New York, without relief, etc. And that said party of the first part should, at the same time, deliver to said trustees, for said city, a first mortgage on the said railroad, its franchises, road-bed, tracks, switches, rolling-stock, and all other property to the same belonging, and also on the stock-yard lands of not less than one hundred acres, together with all the buildings and appurtenances to the same belonging, to secure the payment of all said bonds, so delivered and to be delivered to said city by said company, and also securing the performance, by said company, of all the agreements contained in its said proposition, both present and future—said mortgage to provide that, upon default for sixty days in the payment of interest on the bonds so secured by said mortgage, the whole of the bonds should become due and payable, and that legal foreclosure might be had; *provided*, if, at any time before sale, all interest due, together with costs and attorneys' fees, should be paid by the first to the second party, then no sale should be had, and the party of the first part should be restored to its former rights the same as if no default had occurred.

And in and by said second section, it was further ordained, that, upon the full completion of said railroad to North Indianapolis, at a point on the Indianapolis, Cincinnati & Lafayette Railroad, the sum of six hundred and fifty thousand dollars having been actually expended by said company in the construction of its entire railroad and stock-yards, and said facts being certified by said trustees to said Common Council, then said trustees should deliver to the party of the first part the remaining one hundred thousand dollars of said city bonds, the said party of the first part at the same time delivering to said trustees a like amount of its bonds, of the same tenor and effect as the bonds previously delivered by it to said trustees, they being equally secured by the same mortgage.

In and by the fourth section of said ordinance, it was, in substance and effect, provided that the said party of the first part should extend to all persons doing business on or along the line of said railroad full facilities to connect switches with said road, and should carry and transfer freight to and from such switches at rates not exceeding that charged by said company for transporting through freight of a like class and character over said road.

By the fifth section of said ordinance, it was provided that the same should be in force from its passage, and from the filing with the Mayor a certified transcript from the records of the Board of Directors of the company of its acceptance of the terms and conditions of the ordinance.

For greater certainty and particularity, reference is here made to said ordinance.

*And, Whereas,* Afterwards, to-wit, on the 17th day of October, 1876, the Board of Directors of said railroad company, by resolution duly entered upon its records, accepted the terms and conditions set forth in said ordinance, and on the same day filed with said Mayor a duly certified copy of the same.

*And, Whereas,* To remove certain doubts that had arisen as to the corporate power of said city, under existing laws, to enter into said contract, and as to the validity and binding obligation of said ordinance and contract, the General Assembly of the State of Indiana, at the instance and upon the petition of the parties hereto, passed an act legalizing said ordinance in all its parts, conditions, and provisions, and also legalizing the said acceptance thereof by said company, as fully as if undoubted prior legislative authority for the same had existed. Said act was approved March 2, 1877, and is entitled "An act to legalize a certain ordinance of the Common Council of the City of Indianapolis, therein mentioned, designated as an ordinance No. 51, and passed October 16th, 1876, as well as the acceptance thereof by the Union Railroad Transfer & Stock-Yard Company, and to validate the contract embraced in said ordinance and in the acceptance thereof."

*And, Whereas,* Afterwards, and as of January 1st, 1877, said party of the second part caused to be prepared its five hundred corporate bonds, numbered from 1 to 500, inclusive, signed by John Caven, its Mayor, and attested by its Clerk, all dated January 1st, 1877, payable to said party of the first part, or order, twenty years after date, for the sum of one thousand dollars each, with interest at the rate of six per cent. per annum, payable semi annually on the first days of January and July, as per coupons annexed; which bonds, so prepared and signed, were delivered to said trustees, to be delivered to said party of the first part, for the purposes and upon the conditions in said ordinance specified.

*And, Whereas,* In pursuance of said ordinance and contract, said party of the first part, as of the first day of December, 1876, made its five hundred



corporate bonds, numbered, consecutively, from 1 to 500, both inclusive, all dated December 1st, 1876, sealed with its corporate seal, and signed, on the first day of June, 1877, by W. R. McKeen, its president, and E. F. Claypool, its secretary, payable to said City of Indianapolis, or order, twenty years after said date, to-wit, on the first day of December, A. D. 1896, for the sum of one thousand dollars each, without relief from valuation or appraisement laws, with interest at the rate of six per cent. per annum, payable semi-annually on the first days of June and December of each year, according to the tenor of coupons for such interest, which were thereto annexed, both interest and principal payable at the banking house of Winslow, Lanier & Co., in the City of New York. It was, and is also, provided in each of said bonds, that upon the non-payment of any half-yearly instalment of interest when due and payable, and upon the continuance of such default for sixty days after demand of payment, then the principal of such bonds should be subject, at once, to become due and payable, according to the conditions provided in this mortgage.

*And, Whereas* (the conditions upon which the said first instalment of four hundred thousand dollars of its corporate bonds were made deliverable by the party of the second part having been performed by the party of the first part, and the conditions upon which the remaining one hundred thousand dollars of said bonds were made so deliverable being in course of performance by said party of the first part), said party of the second part is about to deliver to said party of the first part four hundred of said corporate bonds of it, the party of the second part, amounting to four hundred thousand dollars; and, concurrently therewith, the said party of the first part is about to deliver to said party of the second part four hundred of said corporate bonds of it, the said party of the first part, numbered consecutively from 1 to 400, both inclusive, and is and will be ready in like manner, to deliver its said remaining one hundred bonds, numbered consecutively from 401 to 500, both inclusive, upon receiving from the party of the second part the said second instalment of one hundred thousand dollars of its, the said city's, corporate bonds.

*Now, Therefore,* This Indenture Witnesseth, That in consideration of the premises, and of one dollar paid by the party of second part to party of the first part, the said party of the first part hereby grants, conveys, mortgages, and warrants to the said party of the second part, its successors and assigns, all and singular, the following described rights, franchises, and property, situate in the county of Marion and State of Indiana, to-wit: The railroad of said party of the first part, built and to be built, extending from a point on the Cleveland, Columbus, Cincinnati & Indianapolis Railroad, east of the City of Indianapolis, around the eastern, southern, and western sides of said city, to North Indianapolis, at a point on the Indianapolis, Cincinnati & Lafayette

Railroad, including its rights of way, road-bed, and superstructure, bridges, tracks, side-tracks, and switches, locomotives, cars, and all rolling-stock, machinery, and fixtures, and, generally, all property of every kind or description, now owned by said party of the first part, and used or intended for use in connection with said railroad as a railroad, and all property to be hereafter acquired by it for such purpose, together with the franchises belonging and appertaining to said party of the first part; and also all the lands now owned by the party of the first part, used and intended for use in connection with its stock-yards, comprising one hundred and five acres, purchased from the heirs of Nicholas McCarty, deceased, lying contiguous to said railroad of the party of the first part, and on the west side of the White River, a schedule of which lands is annexed to this mortgage, together with all buildings and improvements now erected or in course of erection thereon, and all buildings and improvements that may be hereafter erected or put thereon. But it is not intended that this mortgage shall embrace any additional lands, if any, that may hereafter be purchased or acquired by said party of the first part for stock-yard purposes.

The conditions of this mortgage are such that, if the said party of the first part shall duly keep and perform the conditions devolving upon it by said ordinance and its said acceptance thereof, and especially if it shall well and truly pay to said party of the second part the interest on all said bonds so delivered and to be delivered by it to said party of the second part according to the tenor and effect of said bonds and said annexed coupons, and if, at the maturity of said bonds, it shall well and truly pay the principal thereof, as well as those already delivered by it to said city as said remaining instalment of one hundred thousand dollars hereafter to be delivered upon the conditions aforesaid, then, and in such case, this indenture and the estate hereby created shall cease and determine, and this indenture shall cease and become of none effect.

It is the true intent and meaning of this indenture that the same shall stand and be a security for all of said five hundred thousand dollars of the bonds of the party of the first part, as well those already delivered as those to be hereafter delivered, without preference or priority as between them.

It is expressly agreed and understood that, until default be made in the payment of the interest or any instalment thereof, accruing on said bonds, or until default shall be made in the payment of the principal of said bonds, the party of the first part shall remain in the full possession, use, and enjoyment of all said mortgaged premises and rights.

It is hereby further provided that, upon any failure of said party of the first part to pay any instalment of interest upon the bonds hereby secured, for a period of sixty days after the same shall have become due and payable, and payment shall have been demanded, then and in that event the princi-

pal of said bonds shall, at the option of the party of the second part, become due and presently payable, and legal foreclosure may be had. But if the said party of the first part shall, before sale of the mortgaged premises under decree of foreclosure, pay or cause to be paid the amount of interest due on said bonds, together with costs and reasonable attorneys' fees, then, and in that event, no sale shall take place, but the parties shall be restored to each and every their former rights as if no default in the payment of interest had ever been made.

And inasmuch as the purpose of executing and delivering this mortgage and the bonds thereby secured is to secure and indemnify said party of the second part against loss, damage, or pecuniary burden by reason of the execution and delivery of its said five hundred thousand (500,000) dollars of bonds to said party of the first part, and to provide and secure a fund for the payment of the interest and principal thereof, so as to avoid any necessity on the part of said city for providing a fund of its own, by taxation or otherwise, for the payment of the same; and inasmuch as said party of the first part, in selling and negotiating the bonds so received and to be received from said city, must necessarily endorse the same, thereby becoming liable equally with said city to the holders thereof for the payment of the same; Therefore it is expressly agreed and understood between the parties hereto, that all moneys to be paid by the party of the first part, in satisfaction or redemption of the interest and principal of the bonds hereby secured, shall be deemed a trust fund for the satisfaction and redemption of the interest and principal of the said bonds of said city, and that all the same shall be so applied by said city.

And to that end, it is hereby agreed and provided that so long as said party of the first part shall not be in default as to the payment of any interest or principal of its said bonds, said party of the second part will not sell, negotiate, or otherwise dispose of the bonds and coupons, or any of them, secured by this mortgage, but will hold all the same so that all payments of interest or principal thereon may be made to said party of the second part itself, to the end that the proceeds thereof may be applied in accordance with the trust aforesaid.

Said party of the first part hereby covenants and agrees to execute any other or further conveyance or writing that may hereafter be found necessary to fully carry into execution the true intent and purpose of this indenture, if any other such shall be found necessary.

*In Witness Whereof*, The said party of the first part has caused its corporate seal to be hereunto affixed, and the signature of its president and the attestation of its secretary to be hereunto subscribed, this 12th day of October, A. D. 1877.

UNION RAILROAD TRANSFER AND STOCK-YARD COMPANY,

Attest:

By WILLIAM R. McKEEN, President.

[L. s.] E. F. CLAYPOOL, Secretary.

STATE OF INDIANA, MARION COUNTY, ss. :

On this 12th day of October, 1877, personally came before me, a Notary Public in and for said county and State, William R. McKeen, the president of said The Union Railroad Transfer & Stock-Yard Company, and acknowledged the foregoing indenture to be the voluntary act and deed of said grantor, and that, as such president, he voluntarily executed the same.

Witness my hand and seal notarial, the day and year last written.

[L. s.]

NEWTON CLAYPOOL, Notary Public.

*The Schedule of Lands referred to in annexed Mortgage.*

A tract of land situate in the east half of section fifteen (15), and in the northeast quarter ( $\frac{1}{4}$ ) of section twenty-two (22), township fifteen (15), north in range three (3) east containing one hundred (100) acres, more or less, and described as follows : Commencing at a point in the center of a strip of one hundred (100) feet in width, granted by the heirs of Nicholas McCarty, deceased, to the Union Railroad Transfer and Stock-Yard Company, as a roadway for its railroad, one hundred and fifty-two (152) feet, more or less, south and east of the intersection of the center line of said strip of one hundred (100) feet in width, and the center of the Indianapolis & Vincennes Railroad Company's track, as now located; running thence, south, parallel to, and one thousand and seventeen and eight-three hundredths (1017.83) feet from the north and south center line of the south half of the said section fifteen (15), forty eight hundred and sixty (4,860) feet, more or less, to the center of White River; thence, eastwardly, with the center of said White River, one thousand and fifty (1,050) feet, more or less; thence, north, on a line parallel to, and one thousand and twenty-two and six-tenths (1,022.6) feet from the first described line of the said one hundred (100) acres, forty-two hundred (4,200) feet, more or less, to the center line of said strip of one hundred (100) feet in width; thence, northwestwardly, with the center line of said strip of one hundred (100) feet in width, to the place of beginning, excepting from said one hundred (100) acres so much thereof as is contained in a strip of land eighty (80) feet in width, the center line of which is parallel to, and three hundred and forty (340) feet from the center line of the said Indianapolis & Vincennes Railroad Company's track.

And also a tract of land, containing five (5) acres, exclusive of so much of said strip of one hundred (100) feet in width as is contained in said tract of five (5) acres, described as follows, to-wit: Beginning at the intersection of the center line of the said strip of one hundred (100) feet in width and the eastern boundary line of the said one hundred (100) acres; running thence, south, on said eastern boundary line, two thousand and seventy-five (2,075) feet; thence, east, at right angles to the said eastern boundary line, one hundred and nine and three-quarters ( $109\frac{3}{4}$ ) feet; thence, north, parallel to said

eastern boundary line, two thousand and eight (2,008) feet, more or less, to the center line of said strip of one hundred (100) feet in width; thence, northwestwardly, with the center line of said strip of one hundred (100) feet in width, to the place of beginning.

The said two tracts of one hundred (100) acres and five (5) acres making, in the aggregate, one hundred and five (105) acres.

Councilman Pouder offered the following motion; which was adopted:

*Moved*, That the City Clerk be requested to deposit with the Recorder of Marion County, for record, the mortgage received from the Union Railroad Transfer and Stock-Yard Company, executed to secure the issue of \$500,000 bonds, in favor of the City of Indianapolis, the expense of such recording to be borne by said company.

#### CONTRACTS AND BONDS FOR STREET IMPROVEMENTS.

The following contracts and bonds were submitted:

Contract and bond of John Greene, for grading and graveling Franklin street and sidewalks, from Nebraska street to the first alley north of Yeiser street. Amount of bond, \$800; bondsman, James B. Ryan.

Contract and bond of Fred. Gansberg, for grading and graveling the first alley east of Franklin street, between Yeiser and Nebraska streets. Amount of bond, \$100; bondsman, Richard Carr.

Contract and bond of Fred. Gansberg, for grading and graveling the first alley west of Franklin street, between Coburn and Nebraska streets. Amount of bond, \$200; bondsman, Richard Carr.

Councilman A. L. Wright moved to refer the above to Committee on Contracts, for examination as to responsibility of bondsmen. Lost.

On Councilman Reed's motion, the several contracts were then concurred in, and the bonds approved.

#### SPECIAL ORDER.

Councilman Reed called up general ordinance No. 38, 1877, entitled

G. O. 38, 1877—An ordinance repealing section two of an ordinance entitled, "An ordinance to prohibit the exhibition of Animals, Deformed Persons, or Monstrosities, within buildings, or on grounds fronting on certain streets; and also to prohibit certain Exhibitions in any room or building wherein intoxicating liquors are sold" (ordained March 14th, 1864); and also providing for the licensing of Concert Saloons, and the regulation of the same;

Which was read the second time, but failed of engrossment, by a *viva voce* vote.

On Councilman Layman's motion, the aforesaid ordinance was then stricken from the files by the following vote :

Affirmative—Councilmen Brown, Bugbee, Byram, Case, Cochran, Dill, Layman, Marsee, Morse, Stoner, Thomas, Tucker, Watts, A. L. Wright, and W. G. Wright—15.

Negative—Councilmen Bagby, Izor, McGinty, Pouder, Reed, Sindlinger, and Steinhauer—7.

Councilman Walker was excused from voting, having "paired off" with Councilman Reading, who was in favor of the passage of this ordinance, but was absent from the city.

The following ordinances were then taken up, and, on motion, were referred to Fire Board and Committee on Water-Works :

G. O. 1, 1877—An ordinance to protect the Fire-Hydrants of the City of Indianapolis,

G. O. 3, 1877—An ordinance for the better protection of the Public Water-Hydrants in the City of Indianapolis.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Brown offered the following motion; which was adopted :

*Moved:* That J. C. Smith be permitted to lay a stone sidewalk in front of lots 130, 131, and 132, in Spann & Co.'s Woodlawn Addition; said work to be done at his own expense, and under the direction of the City Civil Engineer, who is hereby instructed to set the grade stakes for the same.

Councilmen Pouder, Reed, and Watts were granted leave of absence for balance of this session.

Councilman Byram offered the following motions; which were adopted:

*Moved*, That the City Marshal be instructed to notify the Citizens' Street Railway Company to remove the piles of gravel placed by them on N. Illinois street, between Sixth and Seventh streets, and to repair and put in as good condition the said Illinois street as it was previous to recently putting in a switch between the streets named above.

*Moved*, That the Street Commissioner be directed to notify the I., C. & L. Railroad Company to plank its crossing, on W. Sixth street.

*Moved*, That Omer Tousey & Co. have permission to erect a telephone, from their office to their soap works on Morris street, said work to be done under the supervision of the City Civil Engineer.

Councilman Case presented the following petition; which, on Councilman Marsee's motion, was referred to the Fire Board and Chief Fire Engineer, with power to act:

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

Your petitioners do herein desire to call to your attention the following facts, to-wit:

On the 29th day of May, A. D. 1873, the Sewing-Machine Cabinet Company, whose factory and office is situate at the junction of Malott and Columbia avenues in said city, purchased, at their expense, a certain fire-alarm signal box, for which they paid the sum of two hundred and fifty dollars (\$250). At the time of said purchase, as aforesaid, they intended to have said signal box placed within their office, as a private box. Mr. Daniel Glazier was at that time Chief Fire Engineer of said city, and, as such city officer, agreed to attach proper wires to such box, as soon as the company's office should be completed, said office being at said time in course of erection; but there being, at said time, no fire-alarm signal box nearer than the corner of Massachusetts avenue and Noble street, requested said company to permit said signal box to be placed against a telegraph pole standing near said company's factory, assuring them that, as soon as their office was completed, he would place the same within their office, and the same should be a private box. Before said company's office was finished, Mr. Glazier, unfortunately, was killed. Since that time they have requested his successors to comply with the terms of his agreement with said company, but they have, in each instance, failed to comply with their request, and the box still remains against said telegraph pole, and is known as box No. 18.

We desire to submit to you the two following propositions, for your consideration and action, viz.:

First. We will sell said signal box to said city at the price paid for the same.

Second. We will pay for the removal of said signal box from said pole to within our office, and use the same as a private box, provided the city will attach proper wires to the same, and superintend such removal.

If the city will not accept either of the foregoing propositions, then we will at once proceed to remove said box from said pole, for the reason that the same is our private property and that the city has failed to keep the agreement made by and between her proper officer and ourselves.

We, at all times, employ a private watchman within our factory and grounds, and, if you should accept our second proposition, we can safely say that if a fire should occur in the vicinity of our factory, an alarm could and would be sent in sooner than can now be done, as there would be no delay in searching for a key and going to the box.

Hoping you will at once proceed to take some steps in the premises,

We remain, yours truly,

THE SEWING MACHINE CABINET CO.

T. H. B. SIMMONS, Agents.

CROPSEY & WRIGHT, Attorneys for Company.

Councilman Cochran offered the following motion ; which was adopted :

*Moved*, That the City Marshal be directed to notify the Citizens' Street Railway Company to repair the old trackway of its line on Christian avenue, between College avenue and Ash street.

The same gentleman offered the following motion ; which was referred to the Committee on Streets and Alleys, with power to act :

*Moved*, That the Street Commissioner be directed to re-floor the bridge at the crossing of the State Ditch on Ash street.

The same gentleman offered the following motion ; which was referred to the Committee on Streets and Alleys :

*Moved*, That the Street Commissioner be directed to lay wooden foot-crossings at the intersection of Pennsylvania and Second streets.

Councilman Dill offered the following motions ; which were adopted :

*Moved*, That the Street Commissioner be directed to fill the chuck-holes in Illinois street, between Vermont and North streets, at a cost not to exceed ten dollars.



*Moved*, That the Street Commissioner be instructed to notify the Citizens' Gas Company to put the streets in better order, when they attempt to repair them after digging them up for laying gas mains and service pipes.

The same gentleman offered the following motion ; which was referred to the Board of Police :

*Moved*, That the so-called office or position of Station House Clerk be, and is hereby, abolished, as all the duties performed by him can be effectually performed by other officers necessarily employed at the Station House, thereby making a saving to the city of \$60 per month.

The same gentleman offered the following motion ; which was adopted :

*Moved*, That the Police Board be directed to report upon the motion referred to them, respecting the abolishment of the Station House Clerk, at our next regular meeting; also, report the number of employes at the Station House.

Councilman Izor offered the following motion ; which was adopted :

*Moved*, That Dr. Todd have permission to re-pave the sidewalk in front of his building, No. 39 E. Washington street, the work to be done in thirty days, under the direction of the City Civil Engineer, and at his own expense.

Councilman Layman presented the following petition ; which was referred to the City Civil Engineer and City Attorney, with instructions to prepare the proper ordinance :

*Indianapolis*, October 15, 1877.

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

*Gentlemen* :—The undersigned, owners of the property fronting on south side of St. Mary street, between Delaware street and Alabama street, respectfully petition for the passage of an ordinance providing for the grading, and paving with good, hard, first-class paving brick, the sidewalk (six feet wide) on south side of St. Mary street, between Delaware street and Alabama street, deducting from and allowing credit to each property owner his proportionate part for such who have their sidewalk so constructed, fronting their property respectively.

And your petitioners will ever pray, etc.,

L. D. MOODY,  
S. B. SECOR,  
T. E. JOHNSON.

The same gentleman also presented the following motion; which was referred to the Committee on Streets and Alleys:

*Moved*, That the Street Commissioner be instructed to lay down a stone-crossing, at the intersection of St. Mary street and Ft. Wayne avenue.

Councilman McGinty offered the following motion; which was adopted:

*Moved*, That the Street Commissioner be directed to fill one chuck-hole, at the intersection of West and Morris streets.

Councilman Sindlinger presented the following petition; which was received:

*Indianapolis*, October 11, 1877.

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

*Gentlemen*:—The undersigned, owners of the real estate fronting on Union Depot, between Meridian and McNabb streets, and on Illinois street, south of the Union Depot, respectfully petition for the passage of an ordinance providing for the privilege of soliciting passengers fifteen feet from the walls of the Union Depot, for our hotels and boarding houses, on the west end and south side of the Union Depot. As we have only the privilege of standing on McNabb street now, we have no chance of soliciting passengers, because they all pass out of the northwest corner of the Union Depot, and hotel runners receive them there, which gives us no privilege at all.

And your petitioners will ever pray, etc.,

William Essmann, Illinois House; Charles V. Dantzer, California House; Nelson J. Hyde, manager National Hotel; Stephen Mattler, Union House; Hermann Leipzeiger, Germania House; Sam'l E. Moran, Congress Hall; John M. Gaston, Powell House.

Councilman Steinhauer offered the following motion; which was adopted:

*Moved*, That the property owners have permission to re-grade and re-bowlder the alley running north and south through square sixty six (66), between Washington and Pearl streets. Said work to be done at their own expense, under the supervision of the City Civil Engineer, and within sixty days.

Councilman Thomas offered the following motion; which was adopted:

*Moved*, That John Strobel be permitted to erect a lamp-post in front of his place of business, No 30 W. Louisiana street—the same to be done at his own expense, and to be kept lighted at his expense, and under the supervision of the City Civil Engineer.

Councilman Walker offered the following motion :

*Moved*, That the Street Commissioner be directed to repair the gutter on the north side of Washington street, between Pennsylvania and Delaware streets.

Councilman Morse moved to refer preceding motion to Committee on Streets and Alleys; upon which proposition, Councilman Marsee demanded a call of the "ayes and noes," and the Council refused to make such reference by the following vote :

Affirmative—Councilmen Bagby, Brown, Byram, Case, Dill, Morse, McGinty, Sindlinger, Steinhauer, and Thomas—10.

Negative—Councilmen Bugbee, Cochran, Izor, Layman, Marsee, Stoner, Tucker, Walker, A. L. Wright, and W. G. Wright—10.

The aforesaid motion was then adopted by a *viva voce* vote.

The same gentleman offered the following motion; which was referred to the Committee on Streets and Alleys :

*Moved*, That the Street Commissioner be directed to put down a stone crossing over Market street, on east side of Pennsylvania street.

The same gentleman presented the following communication; which was referred to the Committee on Judiciary and City Attorney :

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

*Gentlemen* :—Your petitioner respectfully shows unto you that, on the 28th day of September, A. D., 1877, said city, by her authorized agents and servants, was engaged in making certain repairs on the bridge over Pogue's Run, on Brookside avenue, in said city, and that said repairs were not completed on said day; and, as is supposed by your petitioner, to prevent persons from driving over said bridge while uncompleted, said agents and servants placed across said avenue an obstruction, or barrier, at a point several hundred feet east of said bridge, and allowed said obstruction to so remain during the night thereafter.

Your petitioner says that said barrier and obstruction was without any fire or light, or without anything to attract attention to the same. That, on the even-

ing of said night, between eight and nine o'clock, while driving west on said avenue, in a one-horse buggy, it being rather dark at the time, he suddenly came upon said obstruction, at which his horse became frightened, and suddenly "shied" to the south, and tried to pass around said obstruction, whereupon the right wheels of his buggy collided and ran over said obstruction, while the left wheels were in the ditch on the south of said avenue, and that said buggy was overturned, and your petitioner violently thrown to the ground, from which fall he sustained severe bruises and injuries, from which he is still suffering, and from which he has been greatly annoyed and damaged.

He says that, at the time of said accident, he was driving along said avenue at a reasonable and ordinary rate of speed, using reasonable and due care in the driving of said horse, and that, as he believes, he is without any fault in the matter.

He further says that said barrier, left as it was without any thing to indicate the same, was, as he believes, an unlawful obstruction, and an act of negligence on the part of the agents of the city. That he knew nothing of the same, or of the repairs being made to said bridge.

He says that he has been damaged in the premises to the amount of three hundred (300) dollars; and he asks that your honorable body may inquire into the matter, and allow and pay that amount.

JAMES A. MURRAY.

Councilman A. L. Wright presented the following petition; and the prayer of same was granted, after placing the location of the posts, etc., under direction of City Civil Engineer :

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

*Gentlemen* :—Your petitioners respectfully ask permission to use the streets and alleys of said city, for the purpose of erecting a telephone, from our pork-house, on bank of White River, near Terre Haute round-house, to the Chamber of Commerce Building in said city, by most convenient route.

Respectfully,

Indianapolis, October 15, 1877.

J. C. FERGUSON & CO.

Councilman W. G. Wright offered the following motion; which was referred to the Committee on Finance and City Assessor :

*Moved*, That D. L. King be refunded \$1.64, amount of city taxes paid for the year 1876, he being a non-resident of the city.

The same gentleman also offered the following motion; which was referred to the Committee on Streets and Alleys :

*Moved*, That the Street Commissioner be ordered to fill the chuck holes, with gravel, in Washington street, between the White River bridge and I. B. & W. R. R crossing.

## ORDINANCES ON SECOND READING.

General ordinances Nos. 37, 39, and 40, 1877, were taken up, read the second time, and ordered to be engrossed.

Special ordinance No. 29, 1877, entitled

S. O. 29, 1877—An ordinance to provide for grading and graveling East street and sidewalks, from Morris street to Minnesota street,

Was taken up, and read the second time.

On Councilman Steinhauer's motion, the preceding ordinance was amended, by inserting the following words: "(except where such sidewalks have already been properly improved)"; and was then ordered to be engrossed, as amended.

Special ordinances Nos. 30 and 31, 1877, were then taken up, read the second time, and ordered to be engrossed.

## ORDINANCES ON THIRD READING.

General ordinance No. 37, 1877, entitled

G. O. 37, 1877—An ordinance creating the office of City Gauger, defining his duties, and prescribing penalties for the violation of the same,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—18.

Negative—Councilman Marsee—1.

General ordinance No: 39, 1877, entitled

G. O. 39, 1877—An ordinance establishing a Public Market on S. Pennsylvania street, between South and Merrill streets, and to extend to Madison avenue, if wanted,

Was read the second time.

Councilman A. L. Wright moved to refer the ordinance to the Committee on Judiciary and City Attorney, with instructions to report proper amendments to same. Lost.

On Councilman Cochran's motion, the vote by which said ordinance was ordered to be engrossed was reconsidered by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

On Councilman Walker's motion, the tenure of the rights and privileges granted by aforesaid ordinance was limited to one year, and the stall-rents were made payable and collectable quarterly.

Said ordinance was then ordered to be engrossed as amended, read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

General ordinance No. 40, 1877, entitled

G. O. 40, 1877—An ordinance to prohibit the driving of Advertising Wagons in the streets of the city,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

Special ordinance No. 139, 1876, entitled

S. O. 139, 1876—An ordinance to provide for grading, and paving with brick, the east sidewalk of Pendleton Pike, between Clifford avenue and Orange street,

Was taken up, and read the third time, and passed by the following vote :

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

Special ordinance No. 29, 1877, entitled

S. O. 29, 1877—An ordinance to provide for grading and graveling East street and sidewalks (except where such sidewalks have already been properly improved), from Morris street to Minnesota street,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

Special ordinance No. 30, 1877, entitled

S. O. 30, 1877—An ordinance to provide for grading, and paving with brick, the east sidewalk on Park avenue (where not already paved), between Cherry and Vine streets,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

Special ordinance No. 31, 1877, entitled

S. O. 31, 1877—An ordinance to provide for paving with brick the sidewalks of Fletcher avenue, between Dillon and Linden streets,

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

Affirmative—Councilmen Bagby, Brown, Bugbee, Byram, Cochran, Dill, Izor, Layman, Marsee, Morse, McGinty, Sindlinger, Steinhauer, Stoner, Thomas, Tucker, Walker, A. L. Wright, and W. G. Wright—19.

Negative—None.

On motion, the Common Council then adjourned.

JOHN CAVEN, Mayor.

Attest :

BENJ. C. WRIGHT, City Clerk.