

PROCEEDINGS

OF THE

COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL }
OF THE CITY OF INDIANAPOLIS, }
Monday, March 20, 1871, 7 o'clock P. M. }

The Common Council met in regular session.

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

Councilmen Brown, Harrison, Heckman, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Absent—Councilmen Cottrell and Kahn—2.

The proceedings of the regular session held March 13, 1871, were read and approved.

ORDINANCES ON FIRST READING.

Mr. Harrison presented the following petition :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned, owners of real estate fronting on Broadway, between Christian avenue and Forest Home avenue, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of said street and sidewalks, between the above named limits, to be graveled with good, clear river gravel, and your petitioners will ever pray, &c,

EDWIN S. FOLSOM,
E. A. SEATON,
J. H. GREENSTREET,
R. E. BIRCH.

Which was received.

Also, special ordinance No. 8, 1871, entitled :

An ordinance to grade and gravel Broadway street and sidewalks from Christian avenue to Forest Home avenue.

Which was read the first time.

Also, special ordinance No. 9, 1871, entitled :

An ordinance to provide for grading and bowldering the first alley east of East street and running north and south from Lockerbie street to the first alley south of Lockerbie street.

Which was read the first time.

Also, special ordinance No. 10, 1871, entitled :

An ordinance to provide for planting and boxing shade trees on East street from St. Clair to Cherry street.

Which was read the first time.

Also, special ordinance No. 11, 1871, entitled :

An ordinance to provide for planting and boxing shade trees on Broadway street from Christian avenue to St. Clair street.

Which was read the first time.

Mr. Weaver introduced special ordinance No. 12, 1871, entitled :

An ordinance to grade and pave, with Macauley's paving stone, the west sidewalk on Tennessee street from the first alley north of First street to Second street.

Which was read the first time.

Mr. Wiles presented the following petition :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned property owners on Walnut street, between Massachusetts avenue and Pennsylvania street in said city respectfully ask your honorable body to pass an ordinance requiring the setting out and boxing of trees along the line of said street, on each side thereof, between said Massachusetts avenue and Pennsylvania street.

A. J. DANFORTH.

J. D. BROWN,

GEO. T. AUSTIN,

And 12 others.

Which was received.

Also, special ordinance No. 13, 1871, entitled :

An ordinance to plant and box shade trees on Walnut street from Massachusetts avenue to Pennsylvania street.

Which was read the first time.

REPORTS OF OFFICERS.

The City Forester presented the following :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—I have examined the most of the shade trees planted by order of the Council, and find very few that are fit for the purpose. They are generally too small. Those of sufficient growth are brought in with nearly all the top trimmed away—little, indeed, but a straight pole. Of those I have had an opportunity to examine before the planting, I discovered nearly all deficient in roots. They may sprout for awhile in the spring, but I think they cannot endure the heats of summer. To this remark I have hardly found a single exception. These trees may be as carefully chosen and well planted as the contracts for them require, for on this point I am not informed. I do say, however, if that is the case, the property holders must suffer great injustice from the careless action of the Council. The plan of securing shade trees by ordinance meets with general approval. If wisely executed, it will beautify our streets and increase the value of every foot of town property, besides promoting the health and comfort of our population.

In undertaking this function the Council puts its hand into our pockets and takes the money to pay for this work. This is right; but the Council owes it to the public, and doubly owes it to those who feel severely the weight of taxation, that the work of planting need to be done but once. The tax-payer should be secure in a sound, thrifty, well-grown tree, with ample top and root, thoroughly planted, and then he will feel that his money is not thrown away.

Steps should be taken to have the property-holders water the trees pretty thoroughly during the dry season of the first summer.

As a sample for selection, I think the Council can hardly do better than to adopt such trees as were planted by their order in the Circle during last fall, they are of the best size, having fine tops.

The difficulty in getting trees furnished with sufficient top is that it is possible to load up and haul a greater number upon a wagon after they are cut down to the form of poles. It is plain enough, as the tree derives its food from the air, as well as from the earth, that the top is nearly as important to its growth as the roots.

The practice of cutting away the branches so as to load up a convenient load of poles retards the growth of the tree, I think, fully three years.

I had a talk with an old colored man, who tells me he has one of the contracts for furnishing trees. He showed me many of those he had planted. To my question where he had got them, he answered that they had been brought some eight or ten miles to town by a farmer. How long they had been out of the ground no one knew but the man who sold them to this contractor. He knew nothing of it, and betrayed a great ignorance on the subject, that proved he was utterly unfit either to select a tree or to plant it when selected. He was barely qualified to give a tree that nature meant to grow too good opportunities to die. I learned from the same person that his contract was to plant and box trees at \$1.45 each, and this item proves how worthless must be a great deal of this work.

A good fresh tree fit to plant is well worth a dollar; the boxing and setting is worth a dollar and a half, making the total amount two dollars and a half. The man who undertakes for less will save himself by botching his job. My belief is that the recent plantings are worthless, or nearly so. Of course, if Council has done upon the citizen's lot a work that has no earthly value, no effort should be made, and, for honesty's sake, I shall hope none will be made, to levy or assess a tax for it. Of those planted, some may struggle on in a sickly life in spite of the want of roots and tops; eight or ten years must pass before they can afford a shade. It will certainly turn out that the pretended execution of these contracts is a discredit to the Council and a source of incessant and very just complaint on the part of those who see their property disfigured—complaints that will be bitter enough if taxes are demanded for setting out "bare poles."

Very respectfully, A. HARRISON.

Which was received, and the Forester instructed to certify that the contracts have been complied with before the contractor be paid for the same.

The City Attorney made the following report :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned, City Attorney, to whom was referred the petition of B. F. Hetherington, and others, praying that a

certain alley therein described, be vacated, together with the accompanying papers, with instructions to examine them and report whether they conform to the requirements of the statutes in such cases provided, reports that he has examined the petition, the written consent acknowledged and filed with the common Council, the notices of the pendency of the petition, and the proof of their publication and posting up, and he is of the opinion that all the requirements of the law have been complied with by the petitioners.

J. S. HARVEY,
City Attorney.

Which was concurred in.

ROLL CALL.

Mr. Brown offered the following motions:

Moved, That the Board of Police authorize Henry H. Nelson to exercise police powers while employed as watchman of the State buildings, on the corner of Washington and Tennessee streets.

Moved, That the Street Commissioner be directed to notify the Water Works Company to so remove the water pipes from South Illinois street as to not interfere with the free access to business houses on said street.

Which were adopted.

Mr. Harrison presented the following remonstrances:

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Ellsworth street, between New York street and Vermont street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling of said Ellsworth street, between New York and Vermont streets, because, among other reasons the street does not require it, and the majority in interest of the property holders do not desire the proposed improvement at the present time, and your petitioners will ever pray, &c.

CHARLES HELWIG,
C. KING,
P. H. MORE,
AUGUST BRINKER.

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—Charles Helwig, a resident and citizen of said city for many years past, respectfully presents this his remonstrance against the passage by your honorable body of an ordinance entitled, “An Ordinance to grade and gravel Ellsworth street, between New York and Vermont streets :” for the reasons, viz :

The street does not at present require the proposed improvement. It is in much better condition than many others in that district. The proposed improvement is not desired by a majority in interest of the property-holders. On the other hand, he is informed that a remonstrance has been signed by the majority of said holders, remonstrating against said improvement, and will be presented to your honors without delay. An expense of a comparatively small sum will be all that is at present required; and this, he is informed and believes, would be borne by the property-holders, in preference to the proposed improvement by virtue of said ordinance. A little attention on the part of the Street Commissioner will obviate any pretended necessity for the passage of the ordinance.

And he further represents that he is the owner of property on said street, with a frontage of 460 feet, being 50 feet more than one-half of the entire square; and that owing to the failure of the Indianapolis Chair Company, to whom your remonstrant loaned many large sums of money, he is placed in the embarrassed circumstances with the large factory of said Company thrown back upon his hands, necessitating the borrowing by your remonstrant, of large sums of money. By reason whereof he will be wholly unable to pay for the proposed improvement, and to force his said property to sale, after being built up by him in the advancement of the manufacturing interests of Indianapolis, would work a peculiar hardship at this juncture. And he asks the Council to consider the matter in its true light, and not by the passage of the said ordinance, take such steps as would certainly result in breaking up one who has been among the foremost in the advancement of the manufacturing interests of this city.

CHARLES HELWIG.

Which were referred to the Committee on Streets and Alleys.

Also the following motion :

Moved, That permission be and is hereby granted to Harvey Bates, jr., to raise the sidewalks in front of his property on the East side of Delaware street, between Vermont and New York streets, the same to be done at his own expense, and under the direction of the City Civil Engineer.

Which was adopted.

Mr. Heckman offered the following motion :

Moved, That Mr. Russel be and is hereby directed to cut the willow tree on Davidson street, between Washington and Market streets.

Which was referred to the Committee on Streets and Alleys.

Mr. Heckman offered the following motion :

Moved, That the Civil Engineer be and is hereby directed to examine in Bradshaw's addition what would be the best mode for the drainage of the above said addition.

Which was adopted.

Mr. Locke offered the following motion :

Moved, That the City Clerk be and he is hereby instructed to advertise that sealed proposals will be received by the Common Council at its meeting on the first Monday in April for the materials in the West Market House. Bidders will be required to consider the removal of all and any debris not required by the Street Commissioner. The Council reserves the right to reject any or all such bids.

Which was adopted.

Mr. Marsce presented the following petition :

INDIANAPOLIS, March 20, 1871.

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

We, the undersigned property holders on South East Street, or so much thereof as lies between South Street and the Corporation Line,

do earnestly represent to you and your honorable body the extremely disagreeable condition of streets and sidewalks within above mentioned limits, and that the continued existence of such condition is alike detrimental to our interests and to the beauty of that portion of the city; and we, therefore, petition and pray that an ordinance may be passed for the opening to the full width of forty feet, as per City Platt, and grading and bowldering of street, and paving with brick the sidewalks of as much of East street as lies south of South street; and we further pray that the ordinance, if passed, may require as immediate compliance therewith as practicable.

JAMES LEACH,
JOHN EBNER,
C. J. CLAYTON,
And 46 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Marsee moved to take up the petition of Hetherington & Co. to vacate alley in out-lot No. 16.

Mr. Shepherd moved to lay Mr. Marsee's motion on the table.

Which was lost by the following vote:

Affirmative—Councilmen Brown, Harrison, Heckman, Kennington, Reagan, Shepherd and Whitsit—7.

Negative—Councilmen Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Wiles and Woodburn—9.

Mr. Marsee's motion to take up the petition was then adopted by the following vote:

Affirmative—Councilmen Harrison, Locke, Marsee, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—10.

Negative—Councilmen Brown, Heckman, Kennington, Newman, Reagan and Shepherd—6.

The following petition was then taken from the files and read:

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned would respectfully petition your honorable body to pass an ordinance or order for the vacating of an alley running east and west, between lots eight (8) and nine (9) in out-lot number sixteen (16), in the city of Indianapolis.

Your petitioners would show that the undersigned Benjamin F. Hetherington, Joseph Kindel and Frederick Berner, are the joint owners of said lots Nos. 8 and 9, and the owners of all the ground bordering on such alley. That said Hetherington, Kindel and Berner are partners, doing business under the firm name of Hetherington & Co; that they have a foundry and machine shop on said lot No. 8; that it is very necessary that they should enlarge their foundry and machine shop, and to enable them to do so it is necessary that said alley be vacated. Said alley does not run through the entire block in which it is located, and is near Garden street, and really of no value to any one except the parties above named, who own the ground on both sides of said alley bordering thereon.

And your petitioners will ever pray, &c.

C. A. CONDE & CO..

R. A. DURBON,

JAS. C. FURGUSON.

And 9 others.

Also the following:

We, Benjamin F. Hetherington, Joseph Kindel and Frederick Berner, the sole owners of lots numbered eight (8) and nine (9), in out-lot number sixteen (16), in the City of Indianapolis, hereby consent that the alley running between said lots be vacated by an ordinance or order of the Common Council of the city of Indianapolis.

Witness our hands and seals this 5th day of December, 1870.

B. F. HETHERINGTON, [SEAL.]

J. KINDEL, [SEAL.]

F. BERNER, [SEAL.]

STATE OF INDIANA, }
Marion County, } *Sct.*

Before me, Charles Secrest, a justice of the peace of said county, on this 5th day of December, 1870, came Benjamin F. Hetherington,

Joseph Kindel and Frederick Berner, and acknowledged the execution of the above "consent in writing" to be their act and deed.

Witness my hand and seal this 5th day of December 1870.

CHARLES SECREST, [SEAL.]

Justice of the Peace.

Also the following:

NOTICE OF VACATION.

Notice is hereby given of the filing and pendency of a petition before the Common Council of the city of Indianapolis, praying the Council to vacate the alley running east and west between lots Nos. 8 and 9, in out-lot No. 16, in said city of Indianapolis.

And that said petition will be heard and considered by said Council on Monday evening, January 16, 1871.

D. M. RANSDELL,

City Clerk.

December 13, 1870.

STATE OF INDIANA. }
 Marion County. } *Set:*

Personally appeared before the undersigned, Henry A. Loudon, clerk for Indianapolis Journal Co., publishers of Weekly Indiana State 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 said paper for one (1) week, which publication was on the 16th day of December, 1870.

HENRY A. LOUDON.

Subscribed and sworn to before me, this 8th day of March, 1871.

R. M. GOODWIN,

Notary Public.

NOTICE OF VACATION OF ALLEY.

Notice is hereby given of the filing and pendency of a petition before the Common Council of the city of Indianapolis, praying the Council to vacate the alley running east and west, between lots Nos. 8 and 9, in out-lot No. 16, in said city of Indianapolis.

And that said petition will be heard and considered by said Council on Monday evening, January 16, 1871.

D. M. RANSDELL,

City Clerk.

December 13, 1870.

STATE OF INDIANA, }
 Marion County, } *Set:*

On this 8th day of March, 1871, Frank Barnitt personally appeared before me, the undersigned, a notary public of said county and State, and being by me duly sworn, says on oath that he posted up three written notices on the 13th day of December, 1870, near the alley proposed to be vacated, of which notices the above is a true copy.

FRANK BARNITT.

Subscribed and sworn to before me, this 8th day of March; 1871.

Witness my hand and notarial seal.

JONATHAN S. HARVEY, [SEAL.]

Notary Public.

Ordered, That the alley mentioned in said petition, viz: the alley between lots 8 and 9 in out-lot 16, be and the same is hereby vacated in manner and form as prayed for by the petitioners.

Mr. Heckman offered the following :

Provided, That Benj. F. Hetherington and others, the owners of the lots on each side of said alley, shall file with the City Clerk a bond that they will save the city harmless from any and all costs which may accrue from any suit or suits on account of such vacation.

The above order, with the proviso, was then adopted by the following vote :

Affirmative—Councilmen Harrison, Locke, Marsee, Newman, Pyle, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—11.

Negative—Councilmen Brown, Heckman, Kennington, Reagan and Shepherd—5.

Mr. Brown presented the following protest :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned, Councilmen from the Sixth Ward of the City of Indianapolis, Indiana, hereby protest against the

action of the Common Council of said City in granting the prayer of the petition of B. F. Hetherington & Co., asking for the vacation of a certain alley running east and west in out-lot 16, between lots 8 and 9, because the council has no legal right to grant the prayer of such petition.

1. Because there is a remonstrance against such proposed vacation, signed by parties who are directly interested as property owners living in the immediate vicinity of the alley.

2. Because the proceedings are informal, there being no formal order of vacation reciting all the facts, the proof of publication, &c., presented to Council, as is the usage in such cases, and the simply granting the prayer of the petition cannot operate as an order of vacation.

AUSTIN H. BROWN,
ROBERT KENNINGTON.

Which was received.

Mr. Shepherd offered the following motions :

Moved. That the Street Commissioner be ordered to notify Carey & Co to remove the obstructions from South Ellis streets, between Maryland and Georgia streets, within five days from date. In case of failure to comply with the above order, to enforce the law for obstructing streets and alleys.

Moved. That Messrs. Reed & Co. be allowed to remove the shade trees in front of their business property on West street, the same to be done at their expense.

Which were adopted.

Mr. Thalman offered the following motion :

Moved. That the Committee on Revision of Ordinances be instructed to prepare an ordinance (and report the same to this Council at the next regular meeting) making it unlawful for any person to hang, suspend, or in any way sustain, over any of the streets of the city, any sign, banner, or flag, or device of any kind, advertizing or denoting any kind of business, exhibition or amusement.

Which was adopted.

On motion, the vote by which the motion was passed at last meeting postponing the passage of ordinances one month, was reconsidered.

Mr. Whitsit presented the following petition :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Cady street, between Bates street and Harrison street, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of Cady street between Harrison and Bates street.

And your petitioners^s will ever pray, &c.

FRED. HARTMAN,
WM. WEBER,
FRED. JASPER,
WM. K. DAVIS,

And 15 others.

Which was received.

Mr. Whitsit offered the following motion :

Moved, That the City Attorney be discharged from the further consideration of the report of the City Commissioners on the opening of Greer street, and that the report be adopted and the assessments approved.

Which was laid over for one week.

Dr. Woodburn offered the following motion :

Moved, That S. M. and J. G. Douglass be allowed to use two feet of the sidewalk on North Tennessee street, in front of their property, for door steps.

Which was adopted.

On motion by Dr. Woodburn, the City Attorney was instructed to defend the suit of Noble et al. vs. City in regard to the improvement of East Market street.

Mr. Thalman made the following report :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—Your committee to whom was referred sundry papers, beg leave to report as follows :

1. A motion was referred to us, that the Street Commissioner notify the Peru Railroad Company to raise their track at the crossing of East street, to conform to the grade of the street. We would recommend that the notice be given, and that they be allowed a reasonable time to do the work.

2. A motion was referred to us, that Hanway & Rubush be ordered to level the dirt deposited by them on the west side of the canal, between Washington and Maryland streets. We would recommend that the Street Commissioner notify them to immediately comply with the motion.

3. A petition was also referred to us, signed by J. W. Johnson, John F. Hill, and others, asking that certain streets in the eastern part of the city be improved, opened and extended. We would recommend

First. That Williard street be extended south from its present termination at Blake alley to the Michigan road, and that the Clerk notify the City Commissioners to appraise benefits and damages; also that an ordinance be introduced to grade and gravel the whole of said street from Washington street to the Michigan road.

Second, That South Arsenal avenue from Blake alley to the Michigan road be opened, and that the Clerk notify the City Commissioners to appraise benefits and damages, also that an ordinance be introduced to grade and gravel the same from Washington street to the Michigan road.

Third. That Market street be opened from North Arsenal avenue to the Corporation Line, and that the Clerk notify the City Commissioners to appraise benefits and damages; would recommend against introducing an ordinance to grade and gravel the same at this time.

Fourth. That the north sidewalk on Washington street from Arsenal avenue to the Corporation Line be not graded and paved at this time. If it is the desire of the property holders in that vicinity to make such an improvement, an ordinance should be passed to pave and grade several squares further west at the same time.

4. A petition was also referred to us signed by Frank Boyd and others asking that they be paid for certain bowlders that were carted away by the Street Commissioner from Pearl street, that had by them been taken up and a brick sidewalk put down instead, we would recommend that the street Commissioner make an estimate of the value of the bowlders used by the city, that belonged to said parties, and they be paid for the same.

5. A motion was referred to us that the Street Commissioner be instructed to build a suitable bridge or culvert over the waterway on Hyland street. We would recommend against having this work done, until said street be graded between Washington and Market streets.

6. A petition was also referred to us, signed by Michael N. Sullivan, representing that in 1868 the City Commissioners were directed by the City Council to appraise damages and benefits in widening a certain alley in Isaac Coe's subdivision, out-lot No. 91, to be called Dillon street, and that the said widening had not been made at the time; but by a recent order of the City Council is now shortly to be made. He further represents that the damages allowed him was entirely too little, and prays that an extra allowance be given him for his ground appropriated for said street purpose.

We have examined into the merits of the case, and find that the Commissioners, in 1868, made an appraisalment of damages and benefits, and reported in favor of opening said street; which report was adopted by the City Council. The whole having been done in a legal way, and as the usual custom of opening or widening streets, we do not think the Council has any further jurisdiction in the matter.

Respectfully submitted,

ISAAC THALMAN,
J. L. MARSEE,
C. HECKMAN,

Committee on Streets and Alleys.

Which was concurred in.

Dr. Woodburn, from the Committee on Claims, reported back the petition of Amos Lintner for damages in opening Vermont street.

And on his motion the petition was referred to the City Attorney.

Mr. Brown moved that the rules be suspended for the purpose of passing an ordinance for the improvement of North Meridian street.

Which motion was adopted by the following vote:

Affirmative—Councilmen Brown, Harrison, Kennington, Locke, Marsee, Reagan, Shepherd, Thalman, Weaver, Whitsit, Wiles and Woodburn—12.

Negative—Councilmen Heckman, Newman, Pyle and Thoms—4.

Special ordinance No. 6, 1871, entitled:

An ordinance to grade and gravel Meridian street and sidewalks from Tinker street to the north side of Herbert street.

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

Affirmative—Councilmen Brown, Harrison, Heckman, Kennington, Locke, Marsee, Newman, Pyle, Reagan, Shepherd, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—None.

Mr. Newman made the following report:

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The Finance Committee, to whom was referred the petition of Dr. Ch. Homberg, in relation to refunding certain taxes

erroneously assessed against him for the year 1869, beg leave to report that they have examined the matter, and in their opinion the case seems to be one in which the petitioner has equity on his side, and we recommend that he be refunded the sum of \$78.55, erroneously paid by him beyond the sum he was legally bound to pay.

Respectfully submitted,

JOHN S. NEWMAN,
ISAAC THALMAN,
AUSTIN H. BROWN,
J. H. WOODBURN.

Which was concurred in.

Also the following report :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—The Judiciary Committee and the City Attorney, to whom was referred General Ordinance No. 54, of 1870, entitled: "An Ordinance to prevent loitering on side-walks, street-corners, or near the mouths of alleys, in the city of Indianapolis," have examined said ordinance, and find it to be a copy of an ordinance passed June 1, 1869 (see Compilation of Ordinances, page 161), except that it provides a penalty "for any person to cause or induce three or more persons to assemble," &c., and provides further that such persons shall not assemble on any "street crossings."

Your Committee are of the opinion that this ordinance will more completely effect the object intended than does the ordinance now in force, and, therefore, recommend its passage.

JOHN S. NEWMAN,
TEMPLE C. HARRISON,
Committee
J. S. HARVEY,
City Attorney.

Which was concurred in.

Mr. Wiles made the following report :

INDIANAPOLIS, March 20, 1871.

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

GENTLEMEN—Your Committee on Railroads, to whom was referred the resolution requiring the I. & V. R. R. to raise their track to con-

form to the grade of the street on Kentucky avenue, from South street to the southern terminus of the City Cemetery, report that we find said Railroad track below grade for the distance mentioned, and inasmuch as the required improvement is in accordance with agreement, and would, in our opinion, very much improve the street, we recommend the resolution be passed and its requirements enforced.

In reference to the resolution asking that the T. H. & I R. R. Co. be required to gravel Louisiana street, between Tennessee street and Kentucky avenue, which was also referred, we have to report that we find said street, for the distance mentioned, occupied and used by two railroad companies the entire distance, viz: T. H. & I, I. & V.; and I. B. & W., I & St. L. and I C. & L. (part way). It is in fact the out-let for all the Western railroads centering in the city. It would, therefore in our opinion be very unfair to require one road to keep the entire street in repair when all are using it. Again, the street being so largely used for railroad purposes, cannot, in our opinion to any great extent, be made available to the traveling public generally. We also find that so much of said street as is free from railroad tracks is now in good passable condition for vehicles. We therefore reomend that the resolution be laid on the table.

Respectfully submitted,

W. D. WILES,
 JAMES SHEPHERD,
 F. THOMS,
Committee.

Which was concurred in.

Dr. Woodburn presented the following:

Weekly report of contents of Register of Patients of City Hospital, ending March 4, 1871:

Number of patients in Hospital at last report.....	42
Number of patients received in Hospital since last report.....	5
Number of patients born in Hospital since last report.....	0
Number of patients discharged from Hospital since last report.....	7
Number of patients died in Hospital since last report.....	2
Number of patients remaining in Hospital at present report.....	38

E. HADLEY,
Superintendent.

Weekly report of contents of Register of Patients of City Hospital, ending March 11, 1871:

Number of patients in Hospital at last report.....	38
Number of patients received in Hospital since last report.....	5
Number of patients born in Hospital since last report.....	1
Number of patients discharged from Hospital since last report...	9
Number of patients died in Hospital since last report.....	0
Number of patients remaining in Hospital at present report.....	25

E. HADLEY,
Superintendent.

Which were received.

On motion, the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST:

D. M. RANSELL,

City Clerk.