

PROCEEDINGS
OF THE
COMMON COUNCIL.

ADJOURNED SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Tuesday, Sept. 24, 1872, 7½ o'clock, P. M. }

The Common Council met pursuant to adjournment.

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

Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber,
Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and
Wiles—14.

Absent—Councilmen Bigham, Hardesty, Kennington and
Woodburn—4.

The proceedings of the regular session, held Sept. 16th, 1872,
were read and approved.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report :

INDIANAPOLIS, Sept. 24, 1872

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

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

Geo. W. Buchanan, third and final estimate for grading, bouldering, curbing and paving East street and sidewalks from South to Coburn street :

Length of bouldering on east side...	3165 ft. 6 in.	
Length of bouldering on west side...	3199 ft. 9 in.	
Total length of bouldering.....	6365 ft. 3 in.	
At \$1.05 per lineal foot.		\$6,683 51
Length of curb on east side	2880 ft.	
Length of curb on west side.....	3011 ft. 3 in.	
Total length of curb.....	5891 ft. 3 in.	
At 53 cents per lineal foot.....		3,122 37
Length of pavement on east side	2739 ft. 10 in.	
Length of pavement on west side.....	2940 ft. 8 in.	
Total length.....	5680 ft. 6 in.	
At 48 cents per lineal foot.....		2,726 64
1427½ square feet of stone flag foot crossings at 46 cts. per sq foot..		656 65
326½ yards bouldering at street and alley crossings at 72c. per yard,		235 08
305 6 ft. curbing at streets and alleys at 53c. per lineal foot... ..		161 96
109 ft. of paving at street corners at 48c. per lineal foot.....		52 32
14 iron foot crossings, 50c. a piece... ..		7 00
Total estimate.....		\$13,645 53
Deduct former payments.. ..		7,468 03
Present payment		\$6,177 50

Also, same, first and final estimate for grading, bouldering, curbing and paving East street and sidewalks from Coburn to Morris streets :

Length of bouldering on east side.....	277 ft.	
Length of bouldering on west side... ..	255 ft.	
Total length of bouldering.....	532 ft.	
At \$1.05 cents per lineal foot.....		\$558 60

Length of curb on east side.	267 ft.	
Length of curb on west side.	240 ft.	
	507 ft.	
At 53 cents per lineal foot.		268 71
Length of pavement on east side.	267 ft.	
Length of pavement on west side.	240 ft.	
	507 ft.	
At 48 cents per lineal foot.		243 36
56 feet of curbing at street corners at 53 cents per foot.		29 68
66.2 feet flag foot crossings at 46 cents per lineal foot.		30 45
16 feet of paving at 48 cents per lineal foot.		7 68
56.6 yards of bouldering at 72 cents per yard.		40 75
185.8 yards of excavation at the intersection of East and Morris streets, at 30 cents per yard.		55 74
16 yards of gravel at \$1.00 per yard.		16 00
		\$1,250 97

Also, John Schier, first and final estimate, for grading and paving the north sidewalk on Michigan street from Delaware street to Massachusetts avenue:

Length of pavement 812 feet, at 60 cents per lineal foot.	\$487 20
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Also, Henry C. Roney, second and final estimate, for grading and paving the east sidewalk on Meridian street from Madison avenue to Merrill street:

Length of pavement 508 feet, at 60 cents per lineal foot.	\$304 80
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Also, James Mahoney, first and final estimate, for grading and graveling the first alley west of Illinois street, running from Merrill street south a distance of 240 feet:

Length on east side.	246 ft.	
Length on west side.	246 ft.	
	492 ft.	
At 30 cents per lineal foot.		\$147 60

Also, Samuel Keers, first and final estimate, for grading and graveling Minerva street and sidewalks from New York to North streets:

Length on the east side.	1466 ft. 8 in.	
Length on the west side.	1470 ft.	
	2936 ft. 8 in.	
At 55 cents per lineal foot.		\$1,615 16

Also, Dunning & Patterson, first and final estimate, for grading and paving the east sidewalk on Mississippi street from Indiana avenue to North street:

Length of pavement 868 feet 8 inches at 61c. per lineal foot.....	\$529 78
55 yards of bouldering at 72 cents per yard.....	39 60
Total estimate	<u>\$569 38</u>

Also, James W. Hudson, a partial estimate, for curbing the sidewalks on West street from Market to North street:

Length on west side 2462 feet 2 in. at 60 cents per lineal foot.....	\$1,477 30
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Also, R. M. Riner, first and final estimate, for grading and paving the north sidewalk on Vermont street from Pennsylvania to East streets:

Length of pavement 1474 feet 10 in. at 59 cents per lineal foot....	\$870 13
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Also, Henry C. Roney, first and final estimate, for grading and paving the sidewalks on South street from Meridian to Illinois streets:

Length on north side.....	403 ft.
Length on south side ...	<u>410 ft.</u>
Total length.....	813 ft.
At 61 cents per lineal foot.....	\$495 93

Also, Hanway & Hanna, a partial estimate, for grading, graveling, widening and paving the sidewalks on College avenue from Forest Home avenue to Christian avenue:

Length of paving and graveling on west side..	790 ft.
Length of paving and graveling on east side..	<u>857 ft.</u>
Total on both sides.....	1647 ft.
At \$1.45 cents per lineal foot.....	\$2,388 15
Length of graveling on west side.....	70 ft.
Length of graveling on east side..	<u>32 ft.</u>
Total length of graveling..	102 ft.
At 82 cents per lineal foot.....	83 64
Total estimate.....	<u>\$2,471 79</u>

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report:

INDIANAPOLIS, Sept. 24, 1872.

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

The City Clerk respectfully reports to Council:

FIRST.

Third and final estimate allowed George W. Buchanan for grading, bouldering, curbing and paving East street and sidewalks, from South to Coburn street.

SECOND.

First and final estimate allowed George W. Buchanan for grading, bouldering, curbing and paving East street and sidewalks, from Coburn to Morris street.

THIRD.

First and final estimate allowed John Schier for grading and paving with brick the north sidewalk on Michigan street, from Delaware street to Massachusetts avenue.

FOURTH.

Second and final estimate allowed Henry C. Roney for grading and paving the east sidewalk on Meridian street, from Madison avenue to Merrill street.

FIFTH.

First and final estimate allowed James Mahoney for grading and graveling the first alley west of Illinois street, running from Merrill street south, a distance of 240 feet.

SIXTH.

First and final estimate allowed Samuel Keers for grading and graveling Minerva street and sidewalks, from New York to North street.

SEVENTH.

First and final estimate allowed Patterson & Dunning for grading and paving the east sidewalk on Mississippi street, from Indiana avenue to North street.

EIGHTH.

First and partial estimate allowed James W. Hudson for curbing the outside edge of the sidewalks on West street, from Market to North street.

NINTH.

First and final estimate allowed R. M. Riner for grading and paving with brick the north sidewalk on Vermont street, from Pennsylvania to East street.

TENTH.

First and final estimate allowed Henry C. Roney for grading and paving the sidewalks on South street, from Meridian to Illinois street.

ELEVENTH.

First and partial estimate allowed Hanway & Hanna for grading, graveling, widening and paving the sidewalks on College avenue, from Forest Home avenue to Christian avenue.

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in.

Also, the following resolution :

Resolved, That the foregoing third and final estimate of George W. Buchanan for grading, bouldering, curbing and paving East street and sidewalks, from South street to Coburn street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of George W. Buchanan for grading, bouldering, curbing and paving East street and sidewalks, from Coburn to Morris street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of John Schier for grading and paving with brick the north sidewalk of Michigan street, from Delaware street to Massachusetts avenue be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing second and final estimate of Henry C. Roney for grading and paving with brick the East sidewalk of Meridian street, from Madison avenue to Merrill street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of James Mahoney for

grading and graveling the first alley west of Illinois street, running from Merrill street south, a distance of 240 feet, be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Samuel Keers for grading and graveling Minerva street and sidewalks, from New York street to North street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Patterson & Dunning for grading and paving the east sidewalk of Mississippi street, from Indiana avenue to North street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and partial estimate of James W. Hudson for curbing with stone the sidewalks of West street, between Market and North streets be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of R. M. Riner for grading and paving with brick the north sidewalk of Vermont street, from Pennsylvania street to East street be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Henry C. Roney for grading and paving with brick the sidewalks of South street, between Meridian and Illinois streets be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gib-

son, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalmar, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and partial estimate of Hanway & Hanna for grading and graveling College avenue, and paving and widening the sidewalks of same, between Christian and Forest Home avenues be, and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

The City Clerk made the following report :

OFFICE OF CITY CLERK,
INDIANAPOLIS, Sept. 24, 1872. }

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

GENTLEMEN:—The City Clerk would respectfully report that there is on file in his office affidavits for the collection of street assessments by precepts as follows :

Patterson & Dunning vs. John Kyle, for.....	\$43 87½
James W. Hudson vs. Jemima Moritz, for.....	18 88

And would respectfully recommend that you order the precepts to issue.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was concurred in and precepts ordered to issue.

The City Attorney made the following report :

INDIANAPOLIS, Sept. 23, 1872.

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

GENTLEMEN :—I was at your last meeting directed to inquire into and report to the Council the present status of the case of Geo. L. Dart vs. The City of Indianapolis, in regard to the opening of Winston street, which it is said was appealed to the Supreme Court.

At the December term, 1870, of the Marion Civil Circuit Court, a decree was rendered perpetually enjoining the city from opening said Winston street as proposed. The Court did this upon the ground that the proceedings and report of the City Commissioners were irregular and void; and the undersigned believing the decree to be right, did not appeal the case to the Supreme Court. The matter, therefore, stands as it did before any proceedings were had.

Very respectfully,

J. S. HARVEY, City Attorney.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, Sept. 24, 1872.

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

GENTLEMEN :—On the 16th inst. Hiram B. Wellman instituted a suit in the Superior Court of Marion County, against Joseph Davenport, and at the same time filed an affidavit in attachment against said Davenport, and also an affidavit for a summons of garnishee against the city. In his affidavit Wellman claims \$7,663.99. The summons of garnishee against the city was duly served on the Mayor on the said 16th inst.

Since the service of the summons of garnishee, said Davenport has filed with the Clerk of said Superior Court, a bond approved by said Clerk, in discharge of said attachment, as provided by statute. See 2 Gavin & Hord, sec. 172, page 143.

The attachment being discharged, the City may now without risk of paying the same a second time, pay Mr. Davenport any sum she owes him on the Delaware Street Bridge contract, or any other contract.

Respectfully,

J. S. HARVEY, City Attorney.

Which was concurred in.

On motion by Mr. Pressly, the rules were suspended for the purpose of taking up and reading special appropriation ordinance No. 55, 1872, the second and third times and placing it on its passage.

Special appropriation ordinance No. 55, 1872, entitled :

An ordinance appropriating money for the payment of a claim against the city of Indianapolis on account of South Delaware Street Bridge.

Was read the second and third times and passed by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

The City Attorney made the following report :

INDIANAPOLIS, Sept. 23, 1872.

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

GENTLEMEN:—On the 10th and 11th insts. a case of Malia Archibald & Bernard Archibald against the City, John J. Palmer and R. M. Patterson, for an alleged overflow of the plaintiffs' premises, at the west end of Tinker St., was tried in the Superior Court by a jury, and a verdict rendered for the defendants.

On the 17th and 18th insts., in the same Court, a case of John Harrington against John J. Palmer and the City of Indianapolis, for an overflow, was tried by a jury and a verdict rendered in favor of the plaintiff for one cent.

On the 19th inst., in the same Court, Julia Brannen, for an overflow of her premises on Tinker street, recovered a judgment for fifty dollars and costs.

Respectfully submitted,

J. S. HARVEY, City Attorney.

Which was concurred in.

The City Attorney, also, made the following report :

INDIANAPOLIS, Sept. 24, 1872.

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

GENTLEMEN:—On the — inst., the case of the Central Canal Company against August Richter, late Street Commissioner, in Marion Civil Circuit

Court, for cutting the Canal to enlarge the culvert thereunder for the passage of Pogue's Run, was disposed of, by the Court rendering a judgment against Richter for one cent in damages and costs of suit.

Respectfully submitted,

J. S. HARVEY, City Attorney.

Which was concurred in.

On motion by Mr. Kahn, the vote by which special ordinance No. 157, 1872, entitled "An ordinance to provide for grading and graveling the alley running north and south from Michigan to North streets, between Davidson and Winston streets," was passed, was reconsidered.

The Board of Health submitted the following report:

INDIANAPOLIS, Sept 16, 1872.

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

GENTLEMEN:—The Board of Health submits the following mortality report for the week ending Sept. 16, 1872:

Number of deaths under 1 year.....	6
Number of deaths under 2 years.....	3
Number of deaths between 2 and 5 years.....	0
Number of deaths between 5 and 15 years.....	2
Number of deaths between 15 and 20 years.....	0
Number of deaths over 20 years.....	6
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Total..	17

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

The City Civil Engineer made the following report:

INDIANAPOLIS, Sept. 24, 1872.

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

GENTLEMEN:—In pursuance of your order of Sept. 16th, 1872, I herewith submit a plat of Out-Lot 104.

Respectfully,

R. M. PATTERSON, Civil Engineer.

Which was received.

His Honor, the Mayor, presented the following:

INDIANAPOLIS, Sept. 23, 1872.

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

In behalf of the Indiana State Board of Agriculture and citizens of Indianapolis together, with the visitors to our next State Fair, we beseech you to extend to us your assistance in keeping down the dust on the main streets leading to the State Fair grounds, and to this end beg of you to place the use of the fire plugs on said streets at the disposition of your Chief Fire Engineer for the purpose of sprinkling these streets as may seem most proper by him, and that you make an appropriation of \$100 for sprinkling from where the fire plugs reach, to the corporation line, the State Board agreeing to sprinkle from there to the grounds. Believing this to be a public benefaction,

We are respectfully, &c.,

ALEX. HERON, Secretary,
H. W. CALDWELL, Gen. Supt.

Which was received, and the Chief Fire Engineer instructed to hire sprinkling carts to sprinkle Delaware and Pennsylvania streets.

Mr. Reagan presented the following petition:

INDIANAPOLIS, Sept. 20, 1872

the Mayor and Common Council of the City of Indianapolis:

GENTLEMEN:—The undersigned, owners of the real estate fronting on Willard street, between Tennessee and Mississippi streets, respectfully petition your honorable body to pass an ordinance that the portion of said Willard street be graded and graveled, also sidewalks of said street, between Garden and Merrill streets, that has not been heretofore graded and graveled.

And your petitioners will ever pray, &c.

R. R. Williams, Emer Funk, John Fulty, Poke Fletcher,
George W. Hamilton and 23 others.

Which was received.

Mr. Reagan introduced special ordinance No. 180, 1872, entitled:

An ordinance to grade and gravel Willard street and sidewalks, except where already graded and graveled, between Garden and Merrill streets.

Which was read the first time.

Mr. Craft introduced special ordinance No. 181, 1872, entitled :

An ordinance to provide for widening the pavement on the north sidewalk of Massachusetts avenue, from Delaware and Alabama streets.

Which was read the first time.

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

INDIANAPOLIS, Sept. 24, 1872.

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

GENTLEMEN:—The undersigned, members of the Committee on Fire Department, with the Chief Fire Engineer, to whom was referred the bids for the erection of the engine house and headquarters building for the Fire Department, on the corner of Massachusetts avenue and New York streets, would report that we have carefully examined the same, and find that Peter Routier is the lowest and best bidder on the same, and recommend that his bid of \$18,500 be accepted, and that he be required to stipulate in his bond to finish the said building in ninety days from date of contract.

Also that the Chief Fire Engineer be instructed to build a shed on the East Market square for use of the hook and ladder wagon until the new house is ready for occupancy.

All of which is respectfully submitted.

W. H. CRAFT,
E. J. HARDESTY,
C. E. WHITSIT,
Com. on Fire Department.
DAN. GLAZIER,
Chief Fire Engineer.

Which was concurred in.

Mr. Pressly offered the following motion :

Moved, That the Committee on Fire Department, with the City Attorney and Chief Fire Engineer, be authorized to close the contract with Peter Routier for the building of the Headquarters Engine House, in accordance with the report of the committee, and that the contractor be instructed to proceed immediately with the work.

Which was adopted.

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

INDIANAPOLIS, Sept. 24, 1872.

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

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

FIRST.

That the matter between Charles Schweicho and contractor Schier has been adjusted, and needs no further action.

SECOND.

Is a motion that the Street Commissioner be directed to put in the lower arm of the Canal a six foot sewer at the crossing of Maryland street. We would recommend that the City Clerk advertise for proposals for putting in at that point a six foot brick sewer the full width of street and sidewalks.

Respectfully submitted,

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

Which was concurred in.

Mr. Gibson, from Special Committee, made the following report:

INDIANAPOLIS, Sept. 24, 1872.

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

The undersigned, a special committee, whom you directed to examine the condition and location of establishments for rendering animal offal in the north-west part of the city, and also slaughter houses, soap factories, bone-boiling houses, and other establishments of like character, in the southern part of the city, have performed that duty, and submit the following:

John H. James's place for rendering dead animals taken from the city, and for drying animal matter taken from the slaughter and packing houses, is situated about two hundred yards east of north from the pest house. It seems to be as well conducted as a house of that character can be, considering the apparatus used is not of the very best or most approved kind, but is a decided improvement over any heretofore used here for that purpose. Notwithstanding it is kept as clean as practicable, it produces an unendurable stench to most persons, and by the testimony of many persons on Indiana

avenue and further north in the city, makes their homes unpleasant, and as they testify produces nausea and vomiting. About one hundred yards south and east of the above is the establishment of —— Wirtz, which appears to be used for the same purpose, but seems to be conducted in a very slovenly and careless manner, and produces the same effluvia without any apparent effort to deodorize the offensive matter. From both of the above named houses a part of the offensive matter is drained into Fall creek, thereby corrupting the water of that stream and White river as they pass west of the city.

In the southern part of the city we visited the establishment of Martin Birk used for rendering offensive animal matter. We did not go inside of this house, but near enough to discover that it produced very offensive odors. Also, Lannie & Bullock's, which appears to be used now for converting animal entrails into "sausage skins," and produces very offensive smells. Francis Bergmann's soap factory and grease rendering house seems to be very old and in bad condition, and produces very unpleasant odors from the rendering of grease and spoiled meats.

All the above named establishments are useful and necessary to every city, and should be encouraged and protected in proper locations and under proper restrictions; but in our opinion, this business cannot be carried on without producing very offensive odors. It should not be done nearer than two miles from the city limits, and in a south or south-westerly direction from the same, so as to avoid contaminating the water in White river and Fall creek, as they pass through and around the city. We, therefore, recommend the following:

Resolved, That John H. James, agent, —— Wirtz, Martin Birk, Lannie & Bullock, and Francis Bergmann, be notified by the City Marshal to remove all their machinery and apparatus for rendering or manufacturing offensive animal matter, not less than two miles from the city, in a southern or south-westerly direction, within thirty days from this date.

To make a final and complete settlement of this question, your committee would further recommend that a committee of three members of the City Council and four citizens be appointed by the Mayor, to select at some suitable place, where it can be bought by the city, two hundred acres of land, to be leased by the city to any and all persons who desire to engage in manufacturing animal offal or matter, or other offensive matter, into articles of merchandise.

DAVID GIBSON,

F. P. RUSH,

F. C. BOLLMAN,

Committee.

Which was received and laid over for two weeks.

Mr. Batty presented the following :

INDIANAPOLIS, Sept. 14, 1872.

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

About the 28th day of August, 1872, the undersigned, a citizen of said city, in passing up New Jersey street necessarily had to cross the bridge or crossing erected by the city across said street, at its crossing of Washington street, in doing which, with his horse, (leading the same) owing to the defective condition of said crossing, which at the time he did not perceive, his horse, after stepping on the same, fell through and was greatly injured and disabled thereby. The undersigned willing to settle this loss amicably with the city, has had his horse examined by Messrs. Gates & Pray, two reputable horse dealers in this city, who estimate the damage sustained at the sum of twenty-five dollars to the horse, not including the loss of time.

He is willing to accept this sum by way of an amicable compromise in full of his claim.

JOHN ROBERTS.

INDIANAPOLIS, Sept. 14, 1872.

the Mayor and Common Council of the City of Indianapolis :

We have examined the horse, beast of John Roberts, said to have been injured by falling through a bridge or crossing of New Jersey and Washington streets, and find the same has been injured to the extent of twenty-five (25) dollars. The injury being mainly on the foot and knee of the horse.

GATES & PRAY.

Which was referred to the Committee on Accounts and Claims and Street Commissioner.

Mr. Batty presented the following petition :

INDIANAPOLIS, Sept. 24, 1872.

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

The undersigned, owners of lot 7 in Fiscus's subdivision of Johnson's heirs' addition, would represent that there are large standing trees on property adjoining, belonging to N. W. Fitzgerald and others, which are in a dangerous condition, being liable to be blown down by every storm that blows, and thus endangering not only the dwelling house of the undersigned, but also the lives of their family, one tree having already blown down and destroyed a dwelling house just completed.

The undersigned would further state to your honorable body that we have frequently notified the owners of said trees to top them, and thus render them safe, but they have utterly failed and neglected to do so. We would.

therefore, ask your honorable body to take such measures as would compel the owners thereof to either cut down said trees, or at least top the same at once.

E. M. WILLIAMS.

O. WILLIAMS.

Which was referred to the City Attorney, with instructions to report what jurisdiction the city had in the matter.

Mr. Batty offered the following motion :

Moved, That the City Attorney examine the law, in conjunction with recent decisions of the Supreme Court, and report to this Council whether or not in his opinion a mere resolution of this Council would be sufficient to make street improvements.

Which was adopted.

Mr. Batty offered the following motion :

Moved, That James G. Marshall have permission to pave the sidewalk in front of his grocery on Massachusetts avenue with good hard burnt brick, said work to be done at his own expense, and under the direction of the City Civil Engineer, who is hereby directed to set the grade stakes.

Which was adopted.

Mr. Batty offered the following motion :

Moved, That the Street Commissioner boulder the gutter on the north side of Christian avenue, between Ash street and College avenue, the same to be done at the owners' expense; Provided, however, that before commencing the same he obtains consent of the owners thereof.

Which was adopted.

Mr. Bollman presented the following petition :

INDIANAPOLIS, Sept. 23, 1872.

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

Ten to twelve weeks ago my brown horse fell through the Canal bridge on West Washington street, near the Lafayette Railroad tracks, affecting his

spine, and is unable for service. I employed Dr. Watson to examine his injuries, and he says the horse is damaged to the amount of \$100.

Respectfully,

WILLIAM TRAUB.

Which was referred to the Committee on Accounts and Claims and Street Commissioner.

Mr. Gibson offered the following motion :

Moved, That the Sewer Engineer is hereby directed to contract with the contractors of the Illinois Street Tunnel to substitute Nicholson for round block pavement, at a proper difference in cost.

Which was referred to the Committee on Tunnels, with power to act.

Mr. Gimber offered the following motion :

Moved, That the Police be instructed to arrest all persons found dumping the contents of privy vaults, or any other decaying matter, into White river in the vicinity of Kentucky avenue.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, That the City Marshal notify the owners and contractors of new buildings on South Illinois street to remove at once all building material and other obstruction off the line of improvement of that portion of the street.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, That owners and drivers of hacks, wagons, express wagons and others be prohibited from standing their vehicles on South Illinois street while the same is being improved, and that the City Marshal and Chief of Police be directed to enforce this order.

Which was adopted.

Mr. Pressly offered the following motion :

Moved, That the Street Commissioner be, and is hereby, instructed to notify V. B. Cress to lay his pavement on Fletcher avenue within twenty days, and on failure to do so the contractor for doing said work is empowered to do said work and collect the cost thereof from the said Cress.

Which was adopted.

Mr. Pressly offered the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lots No. 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51 and 52, in McKernan, Pierce & Yandes' subdivision of part of outlot No. 100, of the City of Indianapolis be, and they are hereby required to fill or drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance: *Provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote:

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lots No. 2, 3, 4, 7, 8, 9, 10, 11, 15, 16, 17 and 18, in McKernan's subdivision of outlot 100 in the city of Indianapolis be, and they are hereby required to fill or drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become

so stagnant or noxious as to become a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance: *Provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Also, the following resolution :

Resolved, That the owners of the following described real estate, to-wit: Lots No. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11, in Daugherty's subdivision of outlet No. 100, in the city of Indianapolis be, and they are hereby required to fill or drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance: *Provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—14.

Negative—None.

Mr. Pressly presented the following petition:

INDIANAPOLIS, Sept. 23, 1872.

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

GENTLEMEN:—We, the property holders fronting on Rockwood street, petition your honorable body to grade and gravel Rockwood street, from East street to the first alley west of Noble street, with good river or creek gravel, to a depth in the center twelve inches, sloping to four inches on the outer edges and the width of the gravel in the center, or between the gutters, sixteen feet wide, and sidewalks a depth of eight inches, sloping to four inches on outer edges, and that the sidewalks be graveled five feet in width, leaving two feet for each gutter. As the winter season is approaching, we ask that this ordinance be passed at once, as we do not wish to be in the mud another winter; and your petitioners will ever pray; and that the first alley south of Louisiana street, running west from Noble street, be graded and graveled to a depth of ten inches, with good river or creek gravel. Also, the first alley east of East street, running south from Rockwood street, be graded and graveled, and the gravel be a depth of ten inches, with good river or creek gravel; and the former petition to open and widen Rockwood street be withdrawn.

William Devine, John F. Geusepohl, Henri Grummann,
and 8 others.

Which was laid on the table until such time when the City Commissioners shall make their report for the widening and extension of that street.

Mr. Rush presented the following petition:

INDIANAPOLIS, Sept. 23, 1872.

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

GENTLEMEN:—We, the undersigned owners of lots on the west side of Sullivan street, between Buchanan street and the first alley north of Bradshaw street, in the city of Indianapolis, herewith file our remonstrance against a certain petition filed with your honorable body on September 9th, 1872, by John W. Lingenfelter and others, that a certain alley be vacated, which is running along the east side of Sullivan street, between Buchanan street and the first alley north of Bradshaw street. By said vacation we would be fronting on a fifty foot street instead of seventy feet, on which we purchased our lots, wherefore we remonstrate against said vacation. But we herewith petition your honorable body that the above described alley and Sullivan street, or the latter, in a width of seventy feet, be graded and graveled from Buchanan street to the first alley north of Bradshaw street.

By granting this, our request, you will confer a great favor on our portion of the city, and make a much needed public improvement. And will ever pray, &c.

The President, Secretary and Treasurer of the Germania Building and Saving Association, No. 2, of Indianapolis, and 130 others if requested.

Which was referred to the Committee on Streets and Alleys.

Mr. Thalman offered the following motion :

Moved, That the Street Commissioner notify Mr. Palmer to immediately repair the pavement in front of his property on Illinois and Washington sts., if not done within five days that he do the work and collect the cost from Mr. Palmer.

Which was adopted.

Also, the following motion :

Moved, That the ordinance providing for the paving with wooden block pavement Indiana avenue be stricken from the files.

Which was adopted.

Mr. Whitsit offered the following motion :

Moved, That the Street Commissioner be instructed to notify the property holder on the corner of East and Washington streets, to remove the rubbish and obstructions from East street in front of his property, within five days, and if not done within that time to remove the same at the owner's expense.

Which was adopted.

Mr. Wiles offered the following motion :

Moved, That the City Civil Engineer be instructed to establish the lines of the first alley north of Massachusetts avenue, running from Oak to Ash streets.

Which was adopted.

Also, the following motion :

Moved, That the Committee on Contracts be instructed to report to Council the number and location of all unfinished contracts for street improvement that have been delayed in completion beyond a reasonable length of time by the contractor.

Which was adopted.

ORDINANCES ON SECOND READING.

On motion, the following ordinances were taken up, read the second time and ordered engrossed :

Special ordinance No. 128, 1872.

“ “ “ 139, 1872.

“ “ “ 150, 1872.

“ “ “ 151, 1872.

“ “ “ 158, 1872.

“ “ “ 160, 1872.

“ “ “ 164, 1872.

“ “ “ 170, 1872.

“ “ “ 171, 1872.

ORDINANCES ON THIRD READING.

Special ordinance No. 128, 1872, entitled :

An Ordinance to provide for grading and graveling Harris street and sidewalks from North and Elizabeth streets.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimbr, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 139, 1872, entitled :

An Ordinance to provide for grading and graveling Agnes street and sidewalks, between North and New York streets.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 150, 1872, entitled :

An Ordinance to grade and gravel Coe street and sidewalks from its eastern terminus to the Mill Race.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 151, 1872, entitled :

An ordinance to grade and gravel Columbia street and sidewalks from Vermont to Michigan streets.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 158, 1872, entitled :

An ordinance to light with gas Michigan street between Alabama and Delaware streets.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 160, 1872, entitled :

An ordinance to provide for grading and paving with brick the south sidewalk of Vermont street, between East and Pennsylvania streets.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 164, 1872, entitled :

An ordinance to provide for grading and bouldering the first alley south of Cumberland or Pearl street running from New Jersey street to Alabama street.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 170, 1872, entitled :

An ordinance providing for bouldering the gutter on the east side of Alabama street, between St. Clair street and Ft. Wayne avenue.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Special ordinance No. 171, 1872, entitled :

An ordinance to grade and gravel the first alley north of McCarty street, running from Alabama street to the first alley west of Alabama street.

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

Affirmative—Councilmen Bollman, Cottrell, Craft, Gibson, Gimber, Kahn, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit and Wiles—13.

Negative—None.

Mr. Craft offered the following motion :

Moved, That the City Attorney and Committee on Revision of Ordinances be instructed to prepare and submit an ordinance preventing builders from occupying as much of the street and sidewalks as is common under the present ordinance.

Which was adopted.

Mr. Pressly, from Special Committee, made the following report :

INDIANAPOLIS, Sept. 14, 1872.

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

GENTLEMEN:—Your Special Committee to whom was referred a bill from the Indianapolis Gas Light and Coke Company, herewith return the same, and would recommend that the same be read by items, and then referred to the City Attorney with instructions to report whether the city is compelled

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to pay for the items as charged under the contract with the city and said company.

Respectfully submitted.

E. J. HARDESTY,
JOHN T. PRESSLEY,
H. S. BIGHAM,
Committee.

Which was referred to the City Attorney.

On motion, the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.