

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Nov. 18, 1872, 7 o'clock, P. M. }

The Common Council met in regular session.

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

Councilmen Batty, Bigham, Cottrell, Craft Gibson, Gimber,
Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman,
Whitsit, Wiles and Woodburn—16.

Absent—Councilmen Bollman and Sherwood—2.

REPORTS FROM CITY OFFICERS.

The City Civil Engineer made the following report:

INDIANAPOLIS, Nov. 18, 1872.

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

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

John Schier, for grading and paving the east sidewalk on New Jersey st., from St. Clair to St. Joseph street.

Length of pavement 564 ft. 5 in., at 65c. per lineal foot \$366 87

Also, John Greene, for grading and graveling Bellefontaine street, and paving the sidewalks from Christian to Forest Home avenue.

Length on east side 881 ft.

Length on west side 881 ft.

Total length 1762 ft.

At \$1.12½ cents per lineal foot \$1,982 25

Also, James W. Hudson, second and final estimate for grading and curbing with stone the sidewalks on West street from Market to North street.

Length on west side 2462 ft. 2 in.

Length on east side 2319 ft. 4 in.

Total length 4781 ft. 6 in.

At 60 cents per lineal foot \$2,868 90

15 feet of curb re-set at 15 cents per foot 2 25

Repairing culvert 3 00

Total \$2,874 15

Deduct former estimate 1,477 30

Present payment \$1,396 85

Also, Bernard Hamill, first partial estimate for curbing the sidewalks on Pennsylvania street from Washington to North street.

463 feet 2 inches on west side, between Washington and Ohio sts.,

at 50 cents per lineal foot \$231 58

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—The City Clerk would respectfully report to your honorable body as follows :

1st. First and final estimate allowed John Schier for grading and paving the east sidewalk of New Jersey street from St. Clair to St. Joseph street.

2d. First and final estimate allowed John Greene for grading and graveling Broadway street and paving with brick the sidewalks thereof, between Christian and Forest Home avenues.

3d. Second and partial estimate allowed James W. Hudson, for grading and curbing with stone the sidewalks of West street from Market to North streets.

4th. First and partial estimate allowed Bernard Hamill for curbing with stone the sidewalks of Pennsylvania street from Washington to North st.

5th. Contract and bond of John Greene for grading and graveling Sixth street and sidewalks from Tennessee street to Michigan Road.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was received, the contract awarded and the bond approved.

Also, the following resolution:

Resolved, That the foregoing first and final estimate of John Schier, for grading and paving the east sidewalk of New Jersey street from St. Clair to St. Joseph 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, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Also, the following resolution:

Resolved, That the foregoing first and final estimate of John Greene, for grading and graveling Broadway street and paving with bricks the sidewalks thereof, 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, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing second and final estimate of James W. Hudson for grading and curbing with stone the sidewalks of West street from Market 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, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and partial estimate of Bernard Hamill for curbing the sidewalks of Pennsylvania street from Washington 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, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, Nov. 18, 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 my office an affidavit for the collection of street assessment by precept as follows:

R. M. Riner vs. D. B. and J. T. Schofield, for \$21.24.

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

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in and precept ordered to issue.

The City Treasurer made the following report:

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—I have the honor to respectfully report that the School taxes for the year 1871 has been fully paid by me to Dr. Carey, Treasurer of the School Board, amounting to \$93,154.75; and that Gen. R. S. Foster, ex-City Treasurer, and myself, as Treasurer, made a complete settlement with W. H. L. Noble, the former Treasurer of the School Board, for the taxes of 1870. There is yet due the School Board part of the delinquent taxes of the years 1870 and 1871, the amount of which can only be ascertained by going over the duplicates, as the school levy for 1870 was only 11 cents, and for 1871 41 cents on the \$100.

Very respectfully,

JOHN W. COONS, City Treasurer.

Which was referred back to the City Treasurer, with instructions to report the amount of delinquent taxes still due the School Board.

The Board of Health made the following report:

INDIANAPOLIS, Nov. 18, 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 Nov. 18, 1872:

Under 1 year.....	5
From 1 to 2 years	0

From 2 and 5 years	1
From 5 to 10 years.....	2
From 10 to 15 years.....	1
From 15 to 20 years.....	0
From 20 to 25 years.....	2
From 25 to 30 years.....	0
From 30 to 40 years.....	3
From 40 to 50 years.....	2
From 50 to 60 years.....	1
From 60 to 70 years.....	0
From 70 to 80 years.....	0
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	17

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

The City Commissioners submitted the following report:

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—The City Commissioners have acted on the case of Third street, referred to them by your honorable body for an assessment of the damages and benefits resulting from the opening of a 40 foot street from Illinois to Meridian street, and from Meridian to Pennsylvania street, on lines as laid down in the report of a Special Committee, heretofore submitted to your honorable body; and after full consideration of the case report as follows:

We estimate the damages—being the value of the real estate, and of the improvements taken or removed—on the line of said street from Illinois to Pennsylvania streets at \$13,210.

We estimate the benefits to property and property owners from the opening of said street at \$300.

We estimate the benefit to the city of Indianapolis from the opening of said street, etc., at \$650.

The damages and benefits are set out in detail in the following schedule:

Damages to Mary M. Hubbard for a strip 40 feet wide off the north

side of lot No 10, in St. Clair's addition to Indianapolis, taken for said street at \$110 per foot.....	\$4,400 00
Damages to Wm. S Hubbard for a strip 40 feet wide, directly west of the street above described, and being part of lot 6, in square 11, of Drake's addition, at \$50 per foot.....	2,000 00
Damages to Wm. S. Hubbard for moving house on the tract last above described.....	100 00
Total damages to W. S. and M. M. Hubbard.....	\$6,500 00
Benefits to Mary M. Hubbard on lot 6, in square 11, in Drake's addition, and to lot 10 in St. Clair's addition.....	300 00
Balance of damages to Hubbard.....	6,200 00
Benefits to Margaret M. Lord on part of lot 11, St. Clair's addition,	00 00
Damages to E. M. Tout for strip 27 8-12 feet wide off the north side of a lot in the south side of lot 4 in St. Clair's addition, and in the line of said street, \$90 per foot.....	1,950 00
Benefits to said Tout on said lot.....	000 00
Balance of damages to said Tout.....	\$1,950 00
Damages to Merrick E. Vinton for a strip 12 1-3 feet wide off the south side of a lot in lot 4, in St. Clair's addition, in line of said street at \$90 per foot.....	1,110 00
Benefits to said Vinton on said lot.....	000 00
Balance of damages to said Vinton.....	\$1,110 00
Damages to Jno. P. Frenzel and — Dickson for a strip 19 feet wide off the south side of an 80 foot lot on lot 4 of St. Clair's addition, fronting on Pennsylvania street, and lying in the line of Third street, \$80 per foot.....	1,520 00
Benefits to Frenzel & Dickson on said lot from the opening of said street.....	000 00
Balance of damages to Frenzel and Dickson from opening of said street.....	\$1,520 00
Damages to George Brancamp (ward of — Brancamp, guardian, etc.,) for a strip 21 feet wide off the north side of a 27½ foot lot in lot 4 of St. Clair's addition, lying in the line of said Third street, \$80 per foot.....	1,680 00
Damages to said Brancamp for a frame house and other improvements on said lot.....	450 00
Total damages to Brancamp for opening said street.....	\$2,130 00
Benefits to Brancamp.....	000 00
Balance of damages to said Brancamp.....	\$2,130 00

Benefit to the city of Indianapolis for the frame house on Brancamp lot above described:	150 00
Also from the opening of said street.....	500 00
Total benefits to the city of Indianapolis.....	650 00
Total damages	\$13,210 00
Total benefits	950 00
Balance of damages	\$12,160 00

It will be seen that the damages largely exceed the benefits to the property immediately along the proposed street, and that the benefits to the city at large are far less than this excess of damages.

The improvement is of a local character, and its advantages are confined to the lot owners along the line of the street, and to those east and west of St. Clair's addition. If we were permitted to tax the benefits where they belong, we could provide for this excess of damages, but under the ruling of the city attorney we cannot take this course, and we cannot say the city should pay the entire bill, and in this we are sustained by the opinion of property holders who testified before us.

It has been proposed by some of the property holders that only one street be cut through this territory at some point further north than the line now under consideration. Several offers of money to pay damages and ground for said street have been made, but not being authorized or empowered to act in the matter, we have no recommendations to make concerning them.

Respectfully submitted.

J. F. RAMSAY,
JOSEPH M. SUTTON,
SAMUEL M. SEIBERT,
Board City Commissioners.

I concur in the above estimate of damages to the property named, except on Brancamp's lot; his damages should be increased 15 per cent.

I think the lots belonging to Messrs. Hubbard, Lord, Vinton, Tout, Dickson & Frenzel, would each be decidedly benefitted by the opening and improvement of this street. I name no amounts, however, as I presume it would be useless under the circumstances.

IGNATIUS BROWN.

Which was rejected.

Also, the following report:

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—The Board of City Commissioners have considered the petition of W. D. Frazee and others, concerning the opening of Fifth street 20

feet wide, between Illinois and Meridian streets, referred to us by your honorable body, and after consideration thereof we report as follows :

We have understood from Wm. Henderson, Esq., that he is willing to give a strip fifteen feet wide off the south side of his lot, and from Mr. Condit that he is willing to give a strip five feet wide off the north side of his lot, for the purpose of making a 20 foot alley between Illinois and Meridian streets, the alley to be Nicholsoned and kept open as a public highway. These gentlemen donate the ground and improvements to the public.

The continuation west of this twenty-foot alley would take part of the present east end of Fifth street, in Drake's addition, and a strip 18 10-12 feet wide off the north side of Bennet F Witt's property—lot 1, square 20, in Drake's addition. The house now on said lot would also have to be moved to the southward. It is our judgment that the opening of this 20 foot alley would be of some advantage to Mr. Witt's property, and that the benefits to the neighboring property holders will be equal to the cost of the ground and moving the house. We cannot assess these benefits where they should be placed, but if these parties would subscribe the amount required to pay for the balance of damages to Mr. Witt, the alley could be readily opened. In making such a subscription and payment they would be supporting the action of Messrs. Henderson and Condit.

We do not think the city would be benefited by the opening of the 20 foot alley, to the amount of the balance of damages to Mr. Witt, nor even to the amount allowed in case of opening a 40 foot street. The improvement is of a local character, and as it is a mere alley it is of very little advantage to the city at large.

We estimate the damages and benefits to the property and property holders for the ground and improvements taken between Illinois and Meridian streets for said 20 foot alley, as follows :

Damages to Wm. Henderson for a strip 15 feet wide off the south side of his lot, in lot 12, St. Clair's addition.....	\$1,350 00
Benefits to Wm. Henderson (from opening said 20 foot alley, said benefit being estimated as his donation) on the balance of his lot	1,350 00
Balance of damages or benefits to Mr. Henderson	000 00
Damages to Mr. J. D. Condit for a strip 5 foot wide off the north side of his lot, in lot 12, St. Clair's addition.....	\$450 00
Benefits to Mr. J. D. Condit on balance of his lot, from opening of said street, (and being considered as his donation therefor).....	450 00
Balance of damages or benefits to Mr. Condit.....	000 00
Damages to B. F. Witt for a strip 18 feet 10 inches wide off the north side of lot 1, square 20, in Drake's addition.....	\$950 00
Damages to said Witt for moving house, stable and other improvements on said lot	150 00

Total damages to Witt	\$1,100 00
Benefits to Witt from opening of said 20 foot alley, on balance of said lot, etc.....	\$50 00
Balance of damages to said Witt.....	\$1,050 00
Benefits to city of Indianapolis from opening of said 20 foot alley.	150 00
Total damages from opening of said alley....	\$2,900 00
Total benefits.....	2,000 00
Balance of damages..	\$900 00

We make the foregoing estimate merely to guide the property holders in effecting an amicable arrangement of the matter, and as a supplemental report in the case heretofore referred to us. No notice to the commissioners or to the property holders having been given on this petition, any formal assessment we might make would be illegal, and we only give the foregoing figures as estimates on which the property holders might agree if the proposition was ratified by the Council.

Respectfully submitted,

WM. S. HUBBARD,
J. F. RAMSAY,
IGNATIUS BROWN,
Board of City Com'rs.

Mr. Batty presented the following :

INDIANAPOLIS, Nov. 18, 1872.

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

I propose that the Common Council of the city of Indianapolis shall vacate so much of Fifth street as lies east of Illinois street. Then, if this be done, I will remove my house which is the line of the 20 foot street proposed to be opened, and will donate the ground necessary to open a 20 foot street.

Respectfully submitted,

B. F. WITT.

Which were referred to the Committee on Streets and Alleys, City Solicitor and Councilmen from the Third Ward.

The City Solicitor made the following report :

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—I have examined the claim of Michael Shea referred to me, and am of the opinion that he has no legal claim against the city.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—I respectfully suggest that the following provision be embodied in all contracts awarded for public improvements, viz :

That the said contractor does agree and undertake that he will use due care and skill in the prosecution of said work, and that he will provide all proper safeguards and barricades, and that he will use all proper precaution to prevent injury or harm to any person or persons whatsoever.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, Nov. 15, 1872.

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

GENTLEMEN:—In obedience to the direction of your honorable body I have examined the subject of opening and laying out streets, and respectfully submit the following opinion :

The Charter provides that the Commissioners shall estimate the value of the land to be appropriated, and what land, if any, would be benefited by the improvement. If we were authorized to give this statute a liberal construction then property owners, not owning land along the line of the street proposed to be opened could be assessed the amount which the opening of the street would confer upon their property. But the rule of construction is the very reverse, and for these two reasons.

1st. The charters of municipal corporations are to be strictly construed. Dillon's Law Municipal Corp., p 55.

2d. Where a power to assess lands, and to collect benefits is given, the statute conferring the power must be very strictly construed. *Morris v. City of Chicago*, 11 Ill. 650. *Cooley's Const. Lim.* 530. *Kyle v. Malin*, 8 Ind. 34.

Under these rules the charter, taking all its provisions upon this subject into consideration, must be construed as confining the assessment to the land lying along the line of the proposed street.

That this is an unjust and inequitable rule there can be no question, for it not unfrequently happens, indeed in a great majority of cases, those not along the line of the proposed street are those most benefited. Sometimes indeed none along the line are at all benefited. For this reason I respectfully suggest that all proceedings concerning the opening of streets be suspended until the Legislature can be asked to amend the law so as to enact a just and equitable rule upon the subject.

As to the constitutional power of the Legislature to require that property owners, not immediately upon the line of the street, be assessed for the payment of benefits, I entertain no doubt whatever, and I refer to the following authorities as fully sustaining this doctrine: Dillon's Municipal Corp. 463; People v. City of Brooklyn, 4 N. Y. 419; Stroud v. City of Philadelphia, 61 Penn. Rep. 255.

As this is a matter of importance, and one which concerns all the cities and towns of the State, I venture to suggest for your consideration the expediency of submitting to the General Assembly a separate bill upon the subject of laying out streets and alleys. It seems to me that in reality this would be the proper method of legislation under our Constitution. I also submit for your consideration and criticism the form of a general bill upon this subject.

There are also other reasons for this method of proceeding, and among them these:

1st. That in proceeding in this manner we are likely to secure a more speedy legislation.

2d. That there can be a proper provision upon the subject of condemning highways within the corporate limits belonging to private corporations.

Respectfully, B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also, the following report:

INDIANAPOLIS, NOV. 18, 1872.

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

GENTLEMEN:—I have examined the matter of the assessment for the improvement of South Illinois street, and concur in the opinion of the City Attorney.

If the assessments were erroneous I think it too late for the Council to retrace their steps, as the Supreme Court have intimated that the powers of the Council cease with the issuance of the assessment.

Respectfully, B. K. ELLIOTT, City Solicitor.

Which was concurred in by the following vote:

Affirmative—Councilmen Batty, Bigham, Cottrell, Craft, Gibson, Kahn, Pressly, Rush, Thalman, Whitsit, Wiles and Woodburn—12.

Negative—Councilmen Gimber, Hardesty, Kennington and Reagan—4.

The Street Commissioner submitted the following report :

INDIANAPOLIS, Nov. 1, 1872.

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

GENTLEMEN:—I have the honor to report the following work done in the street repairing department since October 1, 1872 :

FIRST WARD.

Renewed the old culvert on Michigan and Noble streets.....	\$40 00
Opened the gutters on East street three squares, on Noble street three squares, and on Spring street three squares	70 00
Cleaned Delaware street three squares	35 00
Repaired the culvert on Alabama and Vermont street.....	18 00
Put down a new foot bridge on Liberty and Market, and Liberty and New York streets	40 00
Total.....	\$263 00

SECOND WARD.

Repaired the culvert on North and Pennsylvania streets.	\$20 00
Repaired and cleaned the culvert on North and New Jersey streets..	22 00
Repaired the culvert on Western avenue and Tinker street.....	12 00
Opened the gutters on Massachusetts avenue, three squares, on Noble street, two squares, and on St. Clair street, two squares.....	95 00
Total.....	\$149 00

THIRD WARD.

Cleaned Illinois street, eight squares, and Washington street, two squares	\$140 00
Put four foot bridges on Tennessee and Second, two on Tennessee and Fourth, two on Mississippi and Fourth, and two on Mississippi and Second streets.....	50 00
Regraded the gutters on North street, between Illinois and Tennessee streets....	45 00
Repaired the culvert on Tennessee and Ohio streets.....	7 00
Total.....	\$242 00

FOURTH WARD.

Renewed the old culvert on Mississippi and Market streets.....	\$70 00
Opened the gutters on Indiana avenue, five squares, on West street, four squares, on Bright street, four squares, and on New York street, three squares... ..	190 00

Put in culverts on Washington and California streets, on Washington and Blackford, and on Washington street at the first alley west of California street	170 00
Total.....	<u>\$430 00</u>

FIFTH WARD.

Filled the holes on Maryland street	\$25 00
Repaired the culvert on Tennessee and Georgia streets.....	12 00
Repaired the culvert on Maryland and West streets.....	14 00
Opened the gutters on West street, three squares, on south street, three squares, and on Mississippi street, two squares.....	85 00
Total.....	<u>\$136 00</u>

SIXTH WARD.

Filled the holes on Pennsylvania street, on South street, and on south Meridian street	\$160 00
Opened the gutters on Madison avenue and on Pennsylvania street.	30 00
Repaired the culvert on Pennsylvania street at the second alley south of South street.	12 00
Put two new foot bridges on Merrill street and Madison avenue....	8 00
Total.....	<u>\$210 00</u>

SEVENTH WARD.

Opened the gutters on East street, two squares, on Louisiana street, one square, New Jersey street, two squares.....	\$65 00
Filled the holes on New Jersey street.....	18 00
Cleaned Alabama street, two squares, and Washington street, three squares.	70 00
Repaired the culvert on Cumberland and New Jersey street....	9 00
Total....	<u>\$162 00</u>

EIGHTH WARD.

Opened the gutter on East street, three squares, on Huron street, three squares, on Cedar street, three squares.....	\$90 00
Opened Virginia River between Huron and Pine streets..	15 00
Renewed the old culvert on Liberty and Meek streets; also the one on Noble and Georgia streets ..	55 00
Repaired the culvert on Cedar and Huron streets.	14 00
Total.....	<u>\$174 00</u>

NINTH WARD.

Opened the gutter on Noble street, three squares, on East street, three squares, and on Liberty street, three squares	\$90 00
Cleaned Delaware street, three squares, Market street, two squares, Pennsylvania street, three squares	180 00
Repaired the culvert on New Jersey and Washington streets.	45 00
Repaired the culvert on Noble and New York streets	25 00
Total	\$340 00

BRIDGES.

Renewed the floor of the bridge over Pogues' Run on Virginia ave. .	\$290 00
Repaired the bridge over Pogue's Run on Illinois street; also bridge over Pogue's Run on Pennsylvania street	65 00
Total	\$555 00

SEWERS.

Cleaned the catch basin on South street and Fletcher avenue sewers. .	\$90 00
Made the necessary connection with the catch-basin of sewer on Illinois street, at the intersection of New York, Vermont, Michigan, and North streets	230 00
Changed the man-holes and catch-basins on south Illinois street to conform to the new grade, and put iron caps on the same	210 00
Total	\$530 00

RECAPITULATION BY WARDS,

Showing the amount on hand October 1, 1872, the amount expended since October 1, 1872, and the amount on hand at the present date:

WARDS, ETC.	Balance Oct 1, 1872.	Deficit Oct 1, 1872.	Expended since Oct. 1.	Balance.	Deficit.
First Ward	\$172 00		\$ 203 00	\$31 00	
Second Ward	193 00		149 00	44 00	
Third Ward		62 00	242 00		304 00
Fourth Ward	24 00		430 00		406 00
Fifth Ward		91 00	136 00		227 00
Sixth Ward		69 00	219 00		299 00
Seventh Ward	153 00		162 00		9 00
Eighth Ward	121 00		174 00		53 00
Ninth Ward		261 00	340 00		602 00
Bridge Fund	586 00		555 00	31 00	
Sewer Fund		496 00	530 00		1026 00
Miscellaneous Fund		386 00			386 00
Total	1249 00	1366 00	3131 00	106 00	2292 00

Respectfully submitted,

A. BRUNER, Street Commissioner.

Which was received.

ORDINANCES ON FIRST READING.

Mr. Batty introduced special ordinance No. 195, 1872, entitled:

An ordinance to provide for grading and paving with bricks the sidewalks of Chatham street from Massachusetts avenue to St. Clair street.

Which was read the first time.

Mr. Gibson introduced general ordinance No. 70, 1872, entitled:

An ordinance to provide for the construction of an 18 inch cement pipe sewer in Potomac alley, from Meridian street to Severn alley, to connect with the sewer north of Griffith's Block. in said Potomac alley.

Which was read the first time.

Mr. Bigham introduced general ordinance No. 71, 1872, entitled:

An ordinance to provide for the stationing of a flagman on Market street at the crossings of the C. C. C. & I., and the P. & I. R. R. Co.'s tracks.

Which was read the first time.

REPORTS FROM STANDING COMMITTEES.

The Committee on Streets and Alleys made the following report:

INDIANAPOLIS, NOV. 18, 1872.

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

GENTLEMEN:—Your Committee, to whom was referred the communication from Jas. T. Anderson, presented to Council October 14th, 1872, would recommend that the matter be referred to a Special Committee, of which committee Mr. Batty be appointed chairman.

Respectfully submitted,

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

Which was concurred in.

His Honor, the Mayor appointed as such committee Councilmen Batty, Sherwood and Bigham, the City Civil Engineer and City Solicitor.

On motion, the rules were suspended for the purpose of calling the roll for the presentation of new business.

Mr. Batty offered the following motion:

Moved, That the City Solicitor be instructed to assist Messrs. Barbour & Jacobs in the suit of Palmer vs. Martindale.

Which was adopted.

Mr. Bigham offered the following resolution:

WHEREAS, Oliver H. P. Bly has failed to perform his contract for paving Market street, between Noble street and the corporation line east, and therefore,

Be it Resolved, That the City Clerk be directed to notify said contractor to perform his contract within 30 days from the time of receiving this notice, and if he fail to fully perform his contract within said 30 days, the City Solicitor shall bring suit upon his bond for damages.

Which was adopted by the following vote:

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

Negative—Councilman Kennington—1.

Mr. Bigham offered the following motion:

Moved, That the Street Commissioner be, and is hereby, directed to place stone crossings on Noble street at the crossing of Washington street, north side. Also, to fill up with gravel a hollow at the north-east corner of Washington and Noble streets, providing it will not take more than 10 loads of gravel.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be, and is hereby, directed to at once place iron crossings over the gutters on the north side of Washington street, at the intersection of East street. Also, to place a stone walk across the street at the same place.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be, and is hereby, directed to fill up the holes and hollows made by the laying of the water pipes by the Water Works Company.

Mr. Craft moved to amend the motion by saying that the City Clerk notify the Water Works Company to do such work.

Which amendment was adopted.

The motion, as amended, was then adopted.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, Nov. 14, 1872.

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

GENTLEMEN:—Your petitioner respectfully and truthfully represents to your honors the following :

On Tuesday, the 12th inst., about nine o'clock in the morning, my horse was killed by falling into the tunnel on Illinois street, cause by the wall not being high enough and no protection upon the same. I therefore pray you to do me justice by paying the value of the animal, which I place at \$125.

I am, respectfully,

Your obedient servant,

JOHN SULLIVAN.

Which was referred to the Committee on Accounts and Claims and City Solicitor.

Mr. Cottrell offered the following motion :

Moved, That a flag crossing be placed on the west side of Virginia avenue across South street.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be instructed to boulder the sidewalk north of the Peru Railroad Depot, on the east sidewalk of South New Jersey street, between Washington street and the Peru Railroad, at the expense of the city.

Which was adopted.

Mr. Cottrell offered the following resolution :

WHEREAS, On the 2d of October, 1871, a resolution was passed directing the City Clerk to notify Harriet B. Stewart and others to yield possession of certain real estate belonging to Virginia avenue: And whereas no report of proceeding has been made by the Clerk. Therefore be it

Resolved, That the City Clerk be directed and required to report at the next meeting of Council what proceedings he has taken in the matter, and if he has taken none that he proceed promptly to execute said resolution.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Mr. Craft offered the following motion :

Moved, That the Steam Road Roller be, and is hereby, put under the control of a special committee, composed of Mr. Hardesty and the Street Commissioner, to be used only in making and repairing streets, in accordance with specifications submitted by the Street Commissioner and adopted by this Council.

Mr. Kennington offered the following amendment :

Moved, To amend that the pay of the two men be stopped until the committee be prepared to work on a street the kind it is calculated to roll.

Which was laid on the table.

On motion, Mr. Craft was added to the committee.

Mr. Craft presented the following communication :

INDIANAPOLIS, Nov. 18, 1872.

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

GENTLEMEN:—I received the within notice from the City Marshal, and deem it proper to inform your honorable body of the facts in relation to opening Market street through my property to Arsenal street. I was aware of the passage of the ordinance of September 30, 1872, since which time I have used all diligence to comply with the ordinance, but owing to the large amount of work to be done in changing my fences, and the great difficulty to obtain help, delayed me in complying with the ordinance as soon as I desired. I have, however, so far succeeded, that the street would now be opened had not the fall of snow prevented, besides, several of my neighbor's gardens would be exposed to cattle running at large, and they have requested me not to open the street until they can fence their gardens, which they have promised to do as speedily as possible. I can, and will open after two days more work, as soon as the weather will permit. Those living on the line of Market street expect to request the Council to permit them to improve Market street themselves, under the direction of the City Engineer, whenever the season will permit; but as it is probable nothing can be done before next spring toward improving said street, and indeed not then until a sewer can first be put in along the street to turn the drain of water and filth that mostly flows from the Deaf and Dumb Asylum, which will require some time. It seems to me there is more haste than proper in this matter, and had the representative of this ward been as careful to make himself acquainted with the facts as he should have done, he would have saved me the mortification of having this notice served on me, as well as the trouble the Council has been at to notify me. The largest portion of a long life in this city has been spent in the maintenance of the law and good order, as well as the promotion of every good enterprise, and all that know me, know very well that I would not, nor do I stand in the way of the growth and spread of our home city.

I will add, that I took pains, as far as possible, to inform Mr. Bigham that I was doing all in my power to open said street, the opening of which has cost me a great deal of money in moving fences, making gates, &c., and could not be done sooner.

Yours respectfully,

I. N. PHIPPS.

Which was received.

Mr. Craft presented the following claim.

INDIANAPOLIS, Nov. 17, 1872.

City of Indianapolis,	In acc't with National Line,	Dr.
Oct. 10. To freight on Steam Roller.....		\$255 00
Oct. 22d. Credit by cash		198 00
Balance.....		\$57 00

Which was referred to the Committee on Accounts and Claims.

Mr. Gibson offered the following motion :

Moved, That the City Solicitor be, and is hereby, requested to report to this Council, at as early a day as possible, whether the streets and alleys, or any of them, in St. Clair's addition to Indianapolis, on the east side of Illinois and north of Second and south of Tinker streets, have been legally vacated, and if vacated on whose petition, and in whose favor, and the present owners of said streets and alleys, or such of them as may have been vacated.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, That the property owners on South Illinois street, between Washington and Louisiana streets, be released from liability for the assessment for the improvement of that part of said South Illinois street between the rails of the Street Railway Company's tracks, and for two feet on the outside of each rail thereof.

Which, on motion by Mr. Kahn, was laid on the table.

Mr. Hardesty offered the following motion :

Moved, That the Gas Company be directed to set the lamp-posts in three feet, on the east side of South Illinois street, from McNabb street to South street.

Which was adopted.

Mr. Kennington offered the following motion :

Moved, That the Street Commissioner be, and is hereby, directed to put in two catch-basins on Ray street at the crossing of Chestnut street, the work to be done in ten days.

Which was referred to the Committee on Sewers.

Mr. Reagan offered the following motion :

Moved, That the Street Commissioner be, and is hereby, ordered to put stone crossings at the crossing of Georgia and West street.

Which was adopted.

Mr. Thalman presented the following petition, which is to take the place of the one presented at last meeting on same subject :

INDIANAPOLIS, Nov. 14, 1872.

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

GENTLEMEN:—We, the undersigned petitioners, would most respectfully ask your honorable body to open a street fifty (50) feet wide from Indiana avenue, running south to Elizabeth street, by adding ten feet along the west side of Locke street where it runs on the east side of the Hospital, and continuing the same of a uniform width to Elizabeth street, according to the accompanying plat.

M. H. Wright, R. H. Patterson, F. M. Wright and
Asahel H. Pettit.

Which was received, and the City Clerk instructed to give notice to the City Commissioners and property owners as required by law.

Mr. Whitsit offered the following motion :

Moved, That Hettie Antles be allowed to pave the sidewalk in front of her property on Georgia street, between Noble and Benton streets, with hard burned brick, under the direction of the Civil Engineer, and at her own expense.

Which was adopted.

Mr. Wiles offered the following motion :

Moved, That Mr. Roney, the contractor for paving the east sidewalk of Meridian street, north of Pratt street, be instructed to proceed at once with said work, and if the same is not completed within thirty days that the City Attorney commence suit on his bond.

Which was adopted.

His Honor, the Mayor, offered the following motion :

Moved, That the Gas Inspector place a gas lamp on Court street, between Pennsylvania and Delaware streets.

Which was adopted.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.