

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Nov. 25, 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, Bollman, Cottrell, Craft, Gibson,
Gimber, Hardesty, Kahn, Kennington, Pressly, Rush, Thalman,
Whitsit, Wiles and Woodburn—16.

Absent—Councilmen Reagan and Sherwood—2.

The proceedings of the regular session, held November 18th,
1872, were read and approved.

Sealed proposals were opened, read and referred to the Com-
mittee on Contracts.

The City Civil Engineer made the following report:

INDIANAPOLIS, NOV. 25, 1872.

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

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

Patterson & Dunning, for grading and bowldering the alley running north and south from Louisiana to South street, through Square No. 100:

Length on east side..... 447 ft.

Length on west side..... 447 ft.

Total length 894 ft.

At \$1.25 per lineal foot..... \$1,117 50

Also, Bernard Hamill, for grading and graveling Harris street and sidewalks from North to Elizabeth street:

Length on east side..... 480 ft.

Length on west side..... 480 ft.

Total length 960 ft.

At 69 cents per lineal foot..... \$662 40

Also, John Greene, for grading the alley running from East to Merrill st., through out-lot 102:

Length on north side..... 841 ft. 9 in.

Length on south side..... 732 ft. 9 in.

Total length..... 1574 ft. 6 in.

At 15 cents per lineal foot..... \$236 17½

Also, Samuel Lefever, for grading and graveling the alley running east and west, between out-lots 110 and 111, from Delaware to Pennsylvania street:

Length on north side..... 397 ft. 6 in.

Length on south side..... 397 ft. 6 in.

Total length..... 795 ft.

At 30 cents per lineal foot..... \$238 50

25 yards bowldering at street crossing at 72 cents per yard..... 18 00

Total estimate..... \$256 50

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The Sewerage Engineer made the following report:

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN:—The following is the third and partial estimate allowed Jesse Whitsit on account of the second division of the Illinois Street Sewer:

1740 lineal feet of sewer, at \$6.78.. .. .	\$11,797 20
3 manholes, at \$40.35.....	121 05
	<hr/>
	\$11,918 25
Less 15 per cent.....	1,787 74
	<hr/>
	\$10,130 51
Less former payments... ..	5,255 30
	<hr/>
Third payment	\$4,875 21

Also, the following eighth and partial estimate allowed John A. Whitsit on account of the Illinois Street Tunnel:

Excavation.....	\$6,000 00
2 catch-basins	250 00
250 feet of pipe.....	400 00
Masonry	49,000 00
Flooring	800 00
Coping.....	1,250 00
	<hr/>
	\$57,700 00
Less 15 per cent.....	8,655 00
	<hr/>
	\$49,045 00
Less former payment.....	46,418 50
	<hr/>
Eighth payment.....	\$2,626 50

Also, the first and final estimate allowed J. J. Palmer for paving the Illinois Street Tunnel:

1516 square yards of pavement, at \$2.25.....	\$3,411 00
7080 feet of oak lumber for wheel guides.....	205 32
	<hr/>
Final payment.....	\$3,616 32

Respectfully submitted.

J. W. BROWN, Sewer Engineer.

Which was concurred in.

The City Clerk made the following report :

OFFICE OF CITY CLERK,
INDIANAPOLIS, November 25, 1872. }

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

GENTLEMEN :—The City Clerk would respectfully report for your approval the following estimates :

FIRST.

First and final estimate of Patterson & Dunning for grading and bowldering the alley running north and south between Louisiana and South streets, through Square No. 100.

SECOND.

First and final estimate of Bernard Hamill for grading and graveling Harris street and sidewalks, between North and Elizabeth streets.

THIRD.

First and final estimate of John Greene for grading the alley running from East street to Merrill street, through out-lot 102.

FOURTH.

First and final estimate of Samuel Lefever for grading and graveling the alley running east and west between out-lots 110 and 111, from Delaware to Pennsylvania street.

Respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was received.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Patterson & Dunning for grading and bowldering the alley running north and south, between Louisiana and South streets, through Square No. 100, be and 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, Kennington, Pressly, Rush, Whitsit, Wiles and Woodburn—13.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Bernard Hamill for grading and graveling Harris street and sidewalks, between North and Elizabeth 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, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kennington, Pressly, Rush, Whitsit, Wiles and Woodburn—13.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of John Greene, for grading the alley running from East to Merrill street, through out-lot 102, 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, Kennington, Pressly, Rush, Whitsit, Wiles and Woodburn—13.

Negative—None.

Also, the following resolution :

Resolved, That the foregoing first and final estimate of Samuel Lefever for grading and graveling the alley running east and west between out-lots 110 and 111, from Pennsylvania to Delaware 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, Gib-

son, Gimber, Hardesty, Kennington, Pressly, Rush, Whitsit, Wiles and Woodburn—13.

Negative—None.

The City Clerk made the following report:

OFFICE OF CITY CLERK,
INDIANAPOLIS, Nov. 25, 1872. }

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

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

Hanway & Hanna vs. Hugh L. Hines, for.....	\$139 56½
“ “ “ Valentine B. Cress, for.....	26 06
“ “ “ Anna M. Cropsey, for.....	58 00
Patterson & Dunning vs. Willis W. Wright, for.....	18 90
“ “ “ J. H. Vajen, for.....	78 00
“ “ “ F. & M. H. Wright, for.....	170 30
James Mahoney vs. S. Kauffman, for.....	42 03¾
Michael Foust vs. McKernan & Yandes, for.....	95 16

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 Clerk made the following report:

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN:—At the meeting of the Council, held on the 18th day of November, 1872, the following resolution was adopted:

“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 proceedings 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 the Council what proceedings he has taken in the matter, and if he has taken none that he proceed promptly to execute said resolution.”

In regard to which the City Clerk would respectfully report that he has investigated the matter, and finds that all of the requirements of the resolution were complied with as follows, to-wit:

On the 5th day of October, 1871, the City Clerk caused copies to be made and on the 6th day of October, 1871, delivered the same to the City Marshal, said copies were in the words and figures as follows, to-wit:

"To Harriet B. Stewart, Charles Glazier, P. H. Jameson, John Caven, George B. Yandes and B. Lieber:

"You are hereby notified that you have within your enclosures the amount of ground described below belonging to Virginia avenue, a public street of the City of Indianapolis, said strip of ground being three (3) feet and eight (8) inches wide at the northeast corner of Square No. eighty-two (82), and and two (2) feet and seven (7) inches wide at the southeast corner of said Square, and extending on the west side of said avenue from Pogue's Run to Louisiana street.

"You are hereby notified to deliver possession thereof at once to the city of Indianapolis, and remove any and all fence by you constructed or maintained."

"Resolved, That the City Clerk be required to prepare copies of notice properly describing the ground unlawfully occupied by you, Harriet B. Stewart et al., named in this notice, to be served upon the said persons by the City Marshal; and the said Marshal is hereby required to serve the same and endorse the service on the back thereof, and make due return to the City Clerk.

"By order of the Common Council.

"Witness my hand and the seal of the city of Indianapolis, this 5th day of October, 1871.

[SEAL]

JOHN R. CLINTON, City Clerk."

On the 8th day of October, 1871, the City Marshal made return of the same to the City Clerk with the following indorsement thereon:

"Come to hand October 6th, 1871, and on the 7th of October, 1871, served on the above named as follows:

Harriet B. Stewart—by leaving a copy with Wiley & Martin, her agents, said H. B. Stewart being in Switzerland.

Charles Glazier—by copy at place of business.

P. H. Jameson—by copy at his residence.

John Caven—by copy at his office.

George B. Yandes—by copy at his place of business, Citizens National Bank.

B. Lieber—not found—lives in Philadelphia, Pa., and property belongs to George B. Yandes.

THOMAS D. AMOS, City Marshal.

By HARDIN, Deputy."

All of which is respectfully submitted.

JOHN R. CLINTON, City Clerk.

Which was received and ordered printed in the minutes.

The City Clerk also submitted the following report:

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN:—The City Clerk would respectfully report to your honorable body, that he, pursuant to instructions, on the 22d inst. served a written notice on John R. Elder, President of the Water Works Company of this city, to have all holes and hollows, made by the said Water Works Company, filled up, &c.

Would also report that he served the following notice on O. H. P. Bly, by reading the same to him on the 23d inst.:

Said notice reads as follows:

“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.”

I also served a notice on Henry C. Roney, by reading the same to him on the 22d inst.; said notice was in the words and figures as follows, to-wit:

“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 30 days, that the City Attorney commence suit on his bond.”

When I served this notice on Mr. Roney, he informed me that he is and has been ready to perform said work according to contract, but has not been able to do so on account of the sidewalk being enclosed by fences, &c.

You will remember that on the 13th of May, 1872, a report of the City Commissioners was adopted by the Council, by which five feet was ordered to be taken from the front of lots bordering on said sidewalk. The conditions of said report, so far as I know, have been complied with, with the exception, that the fences still remain on the sidewalk.

Yours respectfully,

JOHN R. CLINTON, City Clerk.

Which was received.

Mr. Batty offered the following motion:

Moved, That the City Marshal notify the owners of property on the east side of Meridian street, between St. Joseph and First streets, in accordance to the order of the City Council, adopted May 13th, 1872, within ten days,

and in case of refusal or failure so to do he move the fence himself and charge the expense to the late owners of the property.

Which was adopted.

The Board of Health made the following report:

INDIANAPOLIS, Nov. 25, 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. 25, 1872:

Under 1 year.....	1
From 1 to 2 years	1
From 2 and 5 years	0
From 5 to 10 years.....	0
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..	2
From 40 to 50 years..	2
From 50 to 60 years.....	1
From 60 to 70 years.....	1
From 70 to 80 years..	1
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	<u>12</u>

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

ORDINANCES ON FIRST READING.

Mr. Whitsit introduced special ordinance No. 196, 1872, entitled:

An ordinance to gravel the first alley south of Virginia avenue, running from East to Merrill streets.

Which was read the first time.

Mr. Batty introduced general ordinance No. 72, 1872, entitled:

An ordinance to prevent the game of Billiards on the first day of the week commonly called Sunday.

Which was read the first time.

Mr. Wiles introduced special appropriation ordinance No. 67, 1872, entitled:

An ordinance appropriating money to pay damages and costs in certain cases.

Which was read the first time.

Mr. Wiles, from the Committee on Finance, made the following report:

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN:—Your Committee on Finance report that the continued drafts upon the treasury for public improvements and current expenses, in addition to the sum paid for the redemption of matured outstanding bonds, has well-nigh exhausted the amount procured from last loan; and inasmuch as it is known that a number of final estimates for work already under contract will be allowed at an early date, and before the incoming tax has been sufficiently gathered to meet their payment promptly, your committee recommend that the City Clerk be instructed to issue his warrant for payment of all outstanding indebtedness as ordered by Council; and that said warrants shall, upon receiving the indorsement of the City Treasurer on the back "Not paid for want of funds," draw interest at the rate of ten (10) per cent. per annum until the 25th day of March, 1873, if not paid sooner.

Respectfully submitted,

W. D. WILES,
THOMAS COTTRELL,
H. S. BIGHAM,
J. H. WOODBURN,
DAVID GIBSON,
Com. on Finance.

Which was concurred in.

Dr. Woodburn, from the Judiciary Committee, made the following report:

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN:—The Committee on Judiciary respectfully transmit herewith the opinion of the City Solicitor, in which they concur, and they respectfully recommend that the claim of the Gas Company be referred to the Committee on accounts and Claims.

Respectfully submitted,

J. H. WOODBURN,
J. H. BATTY,
THOMAS COTTRELL,
Com. on Judiciary.

Also, the following report from the City Solicitor:

INDIANAPOLIS, November 22, 1872.

To Dr. J. H. Woodburn, Chairman Judiciary Committee:

SIR: In compliance with your request, I have very carefully examined the question as to the liability of the city for the expense occasioned the Gas Company, by the removal of their pipes, when such removal is made necessary by public improvements. The question involved is an important one because it affects all corporations and individuals to whom privileges may have been granted, and I have, therefore, deemed it proper to give you, as requested, an opinion upon this general subject.

It is my opinion, that when the city by her agents, does a lawful work skilfully, and without malice or negligence, she is not responsible for damages consequentially resulting. In support of this proposition I refer to the following authorities: Dillon Law Municipal Corporations, 781; Abbott Corpo., 527. The damages sustained by the Gas Company are, in this case, consequent upon an improvement which the Common Council might lawfully make, and when they contracted with the city, and accepted the ordinance, it was with the same knowledge that every person is presumed to have—that for injuries consequent upon the due exercise of lawful powers by a municipal corporation, no right of action can arise.

Nor, is there anything in the ordinance, charter, or general contract of the company which, in my judgment, makes the city liable for damages thus resulting. Even had the Common Council attempted to make a general contract which should abridge their powers to order public improvements it would have been invalid. They cannot legally surrender any legislative power delegated to them. (Abbott Corporations, 487; Dillon Corp., 110.) Those, then, who take franchises and in the enjoyment of them use the streets of a city do so subject to these general rights. If it were otherwise

the city would be bound to consult before she moved in the matter of improving a street those to whom she had granted privileges; and this would be true, no matter whether it be in cases concerning corporations or individuals. I do not believe this to be the law.

In this instance, however, I think the city liable to the Gas Company. I base this opinion, not upon their charter, ordinance or general contract, but upon a special contract made April 15, 1872, and which will be found on page 1335 of the Council proceedings. In this contract, formed upon the report of a committee and the concurrence of the Common Council, it is specified "that the committee have arranged with the Water and Gas companies for changes of their pipes, so as to have pipes on each side of the tunnel, the city to pay the expense of making the changes."

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

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

INDIANAPOLIS, NOV. 25, 1872.

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

Your Committee on Streets and Alleys, to whom was referred the report of the Civil Engineer with regard to the brick pavement on South Pennsylvania street, would respectfully report that they have examined the same and find the work as good as is usual in that line, and recommend that the estimate be allowed.

Respectfully submitted,

C. E. WHITSIT,

JOHN T. PRESSLY,

Committee on Streets and Alleys.

Which was concurred in.

The City Clerk reported the estimate of James Mahoney for grading and paving with brick the east sidewalk of Pennsylvania street, from Washington street to Madison avenue.

Also, the following resolution:

Resolved, That the foregoing first and final estimate of James Mahoney for grading and paving with brick the east sidewalk of Pennsylvania street from Washington street to Madison avenue, be and the same is hereby adop-

ted 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, Gibson, Gimber, Kahn, Kennington, Pressly, Rush, Thalman, Wiles and Woodburn—12.

Negative—None.

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

INDIANAPOLIS, NOV. 25, 1872.

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

GENTLEMEN :—Your Committee on Bridges, to whom was referred a motion directing the City Clerk to advertise for proposals to build an iron bridge over Pogue's Run on Pennsylvania street, would recommend that any further action in relation to said bridge be postponed for the present.

Respectfully submitted.

JOHN T. PRESSLY,
HENRY GIMBER,
Com. on Bridges.

Which was concurred in.

His Honor, the Mayor, offered the following motion :

Moved, That the Fire Engineer fill the catch-basins on the line of the North Illinois Street Sewer from the fire hydrants.

Which was adopted.

By consent the rules were suspended for the purpose of taking up, reading the second and third times and passing the following ordinance :

Special ordinance No. 188, 1872, entitled :

An ordinance to provide for grading and graveling the alley running east and west through Squares 17 and 18.

Which was read the second time and ordered engrossed, and read the third time and passed by the following vote :

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

Negative—None.

By consent, Dr. Woodburn offered the following :

WHEREAS, The north half of square number forty-eight, commonly called West Market square, was dedicated by the State to the city for the purposes of a market space, and if the same should be applied to any other use it would revert to the original grantor, the State of Indiana; And whereas, it is for the benefit of the city and of the State, that the new State House shall be erected upon the present site; Therefore be it

Resolved, That in consideration that the new State House which it is proposed to build, shall be erected upon or near the present site, and that said part of square forty-eight shall be used as part of the State House grounds, the City of Indianapolis does hereby release and relinquish to the State of Indiana all her right, title to, and interests in the real estate aforesaid.

Which was adopted by the following vote :

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

Negative—None.

Also, the following resolution :

Resolved, That the city of Indianapolis hereby consents to the vacation of Market and Wabash streets, between Tennessee and Mississippi streets, for the purpose of enlarging the State House grounds.

Which was adopted by the following vote :

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

Negative—None.

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

Mr. Cottrell offered the following motion :

Moved, That the owners of lots 27, 28, 29, 30 and 31, in out-lot 103, be permitted to grade and gravel the alley in the rear of their lots on the first alley west of East street, and the Civil Engineer be directed to set the proper grade stakes.

Which was adopted.

Mr. Gibson offered the following preamble and resolution :

WHEREAS, In an action pending in the Superior Court of Marion county, Indiana, certain letters were read charging that bribery and corruption had been practiced to secure the influence and votes of members of the Council and of city officers; And whereas, it is proper that such a matter should be fully investigated; Therefore, be it

Resolved, That the City Solicitor be directed to call the attention of the Prosecuting Attorney to said matter, and request him to lay it before the Grand Jury, and that he be requested to use every effort to secure a full, impartial, and rigorous investigation; and that the City Solicitor be and is hereby directed to tender his services to the Prosecuting Attorney, and to render him all the assistance that he can.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bollman, Cottrell, Gibson, Gimber, Kahn, Kennington, Pressly, Rush, Thalman, Whitsit, Wiles and Woodburn—13.

Negative—None.

Mr. Gibson offered the following motion :

Moved, That the Street Commissioner is hereby instructed to suspend the putting down of stone street crossings, and all other work on streets and bridges not absolutely necessary to keep them safe and passable, and reduce the force in his employ to the lowest practicable number at once, except such crossings as are already commenced.

Which was laid on the table.

Mr. Gibson offered the following motion :

That the City Solicitor is hereby directed to give his opinion as to the power of the City Council to improve, within the city limits, streets claimed or held as part of any Gravel Road Company, and assess the cost of improvement to the abutting property.

Which was adopted.

Also, the following motion :

Moved, That S. W. Patterson be and is hereby granted an extension of time to the first day of June, 1873, on his contracts for grading and graveling Maxwell and Coe streets—provided the property owners consent.

Which was adopted.

Also, the following motion :

Moved, That the City Civil Engineer is hereby instructed to furnish to the City Solicitor a plat of St. Clair's and Drake's additions to the city of Indianapolis.

Which was adopted.

Mr. Gimber offered the following motion :

Moved, That the City Marshal be and is hereby instructed to enforce the ordinance entitled "An ordinance to prevent the hanging, suspending or sustaining of any advertising signs, banners, flags or other devices over the streets or alleys of the city of Indianapolis," passed Dec. 11th, 1871.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner cause the pavement on the west side of Illinois street, between the Union Railway and South street, to be raised so as to accord with the present curb stone.

Which was adopted.

Also, the following motion :

Moved, That the police powers heretofore conferred upon Reinecke be revoked, and that police powers be conferred, instead of said Reinecke, upon Frederick Pohler, of the Merchant Police.

Which was referred to the Board of Police with power to act.

Mr. Kahn offered the following motion :

Moved, That the Street Commissioner be and is hereby instructed to notify the property owners on East street, between Market and Washington streets, to take up a certain wooden pavement, or have the same leveled with the balance of the pavement.

Which was adopted.

Mr. Kennington offered the following motion :

Moved, That the City Solicitor report whether the Common Council can legally exempt the Citizens' Street Railway Company from taxation.

Which was adopted.

Mr. Pressly offered the following motion :

Moved, That the City Solicitor be added to the Special Committee appointed by this Council to confer with the officers of the I. C. & L. Railroad Company in regard to moving their tracks from Louisiana street to Maryland street.

Which was adopted.

Also, the following motion :

Moved, That the City Marshal be and is hereby directed to notify the Union Railway Company to remove from East street crossing the circular switch stands, for the reason that the same renders the crossing difficult and dangerous.

Which was adopted.

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

INDIANAPOLIS, Nov. 25, 1872.

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

GENTLEMEN :—Your Committee on Streets and Alleys, to whom was referred a matter regarding the correcting of an estimate for work done on an alley between Michigan and North, and Alabama and New Jersey streets, would report that we cannot legally make any change, and believe the assessments should be paid according to the estimate made by the Engineer.

Respectfully submitted,

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

Which was concurred in.

Mr. Thalman offered the following motion ;

Moved, That the committee appointed to communicate with the I. C. & L. R. R. Co., in regard to changing their tracks, also confer with them in regard to lowering their tracks on Missouri street, between Market street and Indiana avenue.

Which was adopted.

Also, the following motion :

Moved, That George Schubert have permission to grade and gravel the alley in the rear of his lot fronting on West street, and the Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Whitsit offered the following motion :

Moved, That the Chief of Police be instructed to require the Night Policemen to take note of and report all gas lamps in their respective districts during the month of December, that are not properly lighted, or that are not turned on sufficiently to burn the required four feet per hour—from which report it shall be the duty of the Gas Inspector to estimate as nearly as possible the amount of loss to the city during the coming month, to enable this

Council to take proper steps for the protection of the city. The Chief to report to the Committee on Gas.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be instructed to place a guard on the west side of the Delaware Street Bridge, like unto the one on the east side.

Which was adopted.

On motion, the rules were suspended for the purpose of taking up, reading the second and third times, and passing the following ordinance :

Special appropriation ordinance No. 67, 1872, entitled :

An ordinance appropriating money to pay costs and damages in certain cases.

Which was read the second and third time and passed by the following vote :

Affirmative—Councilmen Batty, Bollman, Gibson, Gimber, Kahn, Kennington, Pressly, Rush, Thalman, Whitsit, Wiles and Woodburn—12.

Negative—None.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.