

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, Feb. 3, 1873, 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 Bigham, Bollman, Cottrell, Craft, Gibson, Hardes-
ty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thal-
man, Whitsit, Wiles and Woodburn—16.

Absent—Councilmen Batty and Gimber—2.

The proceedings of the special session held January 24th, 1873,
and of the regular session held January 27th, 1873, were read and
approved.

Sealed proposals for the grading and paving with the Ballard or other wooden block pavement, and for curbing with stone the sidewalks on each side of the pavement of North Delaware street from St. Clair to Tinker streets, were received, opened, read and referred to the Committee on Contracts.

By consent, Mr. Wiles offered the following motion :

Moved, That a Committee of three of the property holders on North Delaware street be appointed by the Mayor to act in conjunction with the Committee on Contracts, in the selection of the kind of block pavement to be laid down on said street, between St. Clair and Tinker streets.

Which was adopted, and His Honor, the Mayor, appointed as such Committee citizens Eben Smith, Jesse C. Adams and Thos. H. Spann.

The City Clerk made the following report :

OFFICE OF CITY CLERK, }
INDIANAPOLIS, Feb. 3, 1873. }

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 an affidavit for the collection of street assessment by precept as follows :

John J. Palmer vs. Benedict Fisher, for \$116.56.

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 Marshal made the following report :

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN:—I have notified Kingan & Co. to cease hauling offal on Widow Long's property.

Also, notified the Indianapolis and Lafayette Railroad Company to prevent the water from flowing from their engine house, at the east end of Louisiana street and their water tank near East street.

THOMAS D. AMOS, City Marshal.

Which was received.

The Board of Health submitted the following report:

INDIANAPOLIS, Feb. 3, 1873.

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 Feb. 3, 1873:

Under 1 year.....	4
From 1 to 2 years	2
From 2 and 5 years	2
From 5 to 10 years.....	2
From 10 to 15 years.....	0
From 15 to 20 years.....	1
From 20 to 25 years.....	0
From 25 to 30 years.....	1
From 30 to 40 years..	3
From 40 to 50 years..	2
From 50 to 60 years.....	0
From 60 to 70 years.....	0
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.....	18

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

ORDINANCES ON FIRST READING.

Dr. Woodburn introduced special appropriation ordinance No. 5, 1873, entitled:

An ordinance appropriating money for the payment of sundry claims on account of City Hospital for the month of January, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Hardesty introduced special appropriation ordinance No. 6, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Printing, Stationery, &c., for the month of January, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Kahn introduced special appropriation ordinance No. 7, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Which was read the first and second times and ordered to be engrossed.

Mr. Thalman introduced special appropriation ordinance No. 8, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims on account of Station House for the month of January, 1873.

Which was read the first and second times and ordered to be engrossed.

Mr. Kennington introduced special ordinance No. 7, 1873, entitled :

An ordinance to provide for grading and graveling the east sidewalk of Delaware street from Wyoming street to Madison avenue.

Which was read the first time.

Special appropriation ordinance No. 5, 1873 :

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

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Hardesty, Cahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—16.

Negative—None.

Special appropriation ordinance No. 6, 1873 :

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

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

Negative—None.

Special appropriation ordinance No. 8, 1873 :

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

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

Negative—None.

Special appropriation ordinance No. 7, 1873 :

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

Affirmative—Councilmen Bigham, Bollman, Cottrell, Craft, Gibson, Hardesty, Kahn, Pressly, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—Councilman Kennington and Reagan—2.

Mr. Sherwood, from the Committee on Railroads, made the following majority report:

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN:—The majority of the Committee on Railroads respectfully submit the following report upon the petition and papers filed by the Union Railway Company, asking permission to lay additional tracks and to extend the Union Passenger Depot.

The Committee, impressed with the importance of the matter, have given the subject careful and thorough attention. The Committee find that a portion of Louisiana street was, by the consent of Morris Morris and of the Common Council, evidenced by resolution adopted June 14, 1852, occupied for the purpose of a Union Passenger Depot, and that permission to lay tracks was granted by various ordinances, the first of which was enacted in May, 1850. The private property, upon which the depot was located, was owned by a railroad company. McNabb street was dedicated by the railroad company under the agreement contained in the resolution of June 14, 1852, and was originally seventy-five feet in width, but by order of Council, made in compliance with prayer of property owners and the Union Railway Company, there was a vacation of twelve and one-half feet on each side of the street; this order was made March 22, 1866.

As soon as the present City Solicitor came into office we called upon him for advice upon all legal matters, and were advised by him that there was then no such corporation as the Union Railway Company, and that a number of railroad companies were acting together under that name, as a mere partnership association. We deemed it best to require that there be some responsible corporation to deal with, and we notified those who represent the railroad interests that there should be a proper corporation. This has since been effected, and there is now a duly incorporated Union Railway Company, and has been ever since November 19, 1872.

The fact that the railroads of the city require additional facilities for the transaction of their business and for the accommodation of the public, is well known to all. That in granting them, as far as we can, such facilities, we must look to the interests of the city, and as far as we can properly do so, to the interests of the property owners upon the route. The opposition to the license asked by the Railway Company is mainly from those owning property upon and in the vicinity of McNabb street, the property owners on Louisiana street joining with the Railway Company in asking the license. The majority of your committee were desirous of protecting to the extent of their just powers the said property owners, and have endeavored as earnestly as they could to effect an adjustment between the Railway Company and the property owners. Understanding that the property owners would arbitrate the question in dispute, the committee caused to be prepared and sent to them

an agreement to arbitrate; and, as your committee had been informed that General Morris and Mr. A. H. Brown would be acceptable to the property owners, these gentlemen were named as arbitrators, and as the third arbitrator your committee named the Hon. Lucian Barbour. A copy of the form of the agreement sent to the property holders and to the Railway Company, is filed with this report. The proposition thus submitted by the committee was accepted by the property owners, as shown by the communication hereto appended, but those representing the railroad companies utterly declined to arbitrate.

The majority of the committee have very carefully, as they think, investigated the matter, and have caused to be prepared, the accompanying form of an ordinance. The proposed ordinance carefully guards the rights of the city, and requires of the Railway Co. the performance of acts which will be of great general benefit to the city, and will relieve the city of a heavy expense. While the committee have endeavored to protect the general interests of the city, they have also, as it seems to the subscribers, done all in their power to protect those of the private owners. The ordinance provides not only in express terms that the privileges granted shall not deprive any individual of his rights, but it also expressly provides that all just and legal damages shall be paid by the Railway Company to the private property owners.

L. Q. SHERWOOD,
E. J. HARDESTY,

Mr. Kennington, from same committee, made the following minority report:

INDIANAPOLIS, Feb. 3, 1873.

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

The undersigned, one of the Committee on Railroads, to whom was referred general ordinance No. 65, 1872, entitled "An ordinance authorizing the Union Railway Company of Indianapolis to lay additional tracks and extend the Union Depot on a portion of Louisiana street," begs leave to dissent from so much of the report of the other two members of the committee as recommends the unconditional granting of a right-of-way for an additional double union track of the aggregate width of 30 feet through McNabb street, without first securing to owners of the property impaired thereby a fair measure of damages. While entering this dissent, the undersigned makes no objection to the recommendation of grant of right-of-way for said track on the line of Pogue's Run from Liberty street to Meridian street, and from Illinois street westward, for the reason that the rights of the property owners on that line are already sufficiently protected without municipal intervention, whereas in the case of the owners of property on McNabb street, our Courts offer no remedy for the damages that must accrue, especially when the damages have been incurred by the legislative act of the Common Council.

The Union Depot was built and the first track leading into it laid in 1852. On the 14th of June of that year, the following resolution was passed by the Common Council:

Resolved, That permission be hereby granted to the several railroad companies interested in the general passenger depot, to build said depot so as to occupy not more than fifteen feet of the south side of Louisiana street, between Meridian and Illinois streets: Provided the said companies cause to be opened a new street from Illinois to Meridian street seventy-five feet wide on south side of said depot, and erect a good and substantial bridge across the creek in said street, as said new street shall be opened by the first of October, 1852, and when opened it shall be and remain a public street for the benefit of the city.

This permission to use and occupy, to the exclusion of the public, a portion of Louisiana street by the erection of a bridge by the several railroad companies interested (for it must be borne in mind that the Union Railway organization is not a corporation, but only an association of five railway companies), although having the semblance of legality was never a legal act, for the reason that the legislature never gave the Common Council of the city the power to take away from the public its streets or alleys, or any part thereof, and allow their use, for such conversion of a street or business purpose can only be made by ordering in due legal form the vacation of any street or alley; therefore the use of fifty feet of Louisiana street by the several railroad companies interested, has been an act of usurpation on their part approved by the Common Council without warrant of law, and suffered to be contrected as a new act of sufferance, silently or directly, by the public, for the encouragement of the railroads interested.

Attached to this permission was a condition that a new street should be opened seventy-five feet in width, south of the Union Depot, across which ran Pogue's Run, and over which stream the companies were to erect a good and substantial bridge. The street was opened, and was subsequently named by the Council McNabb street. A plain, modern bridge was placed over the Run, which was swept away some years after by a spring freshet. By an order of the Common Council, made in 1866 or 1867, the str't was narrowed to a str't fifty feet in width. twelve and a half feet being vacated on each side, and the ground given to the Union Depot on the north side and property owners on the south side, the Union Depot was extended over, and their offices removed to the south side of the building. Pogue's Run was arched, the city bearing most of the cost, and the street paved with bowlders, there was an implied understanding that the railroad track should be kept off the street; owners of property made large investments in good and substantial buildings, thus improving their frontage of the street and increasing the taxables heavily. Their investment will have their value partly destroyed if the street be occupied by the railroads.

The Committee on Railroads, considering themselves instructed thereby to that effect, by previous action of the members of the Council had at a con-

sultation meeting, approached the property holders on the south side of McNabb street on the subject. These property owners have signified their willingness to have the damages resulting to them fixed by arbitration, and if said damages were so fixed and paid, to withdraw all opposition. The committee thought this a fair proposition, and had an agreement to that effect drawn by the City Solicitor and obtained the substantial consent of all the property holders. It is now proposed by the other two members of the committee to do otherwise.

The undersigned, while agreeing that the Council should extend all encouragement within its power to enable the Union Depot management to increase their facility for the moving of trains through the city, believing it to be the duty of the Council to extend its protection to property owners who are helpless without that protection. He therefore recommends that the ordinance on the subject be not passed without an amendment be made containing some such provision as the following:

Provided, That no railway track shall be laid down upon, in, along, or through any part of McNabb street, in the city of Indianapolis, until the matter of damages to property fronting on the south side of McNabb street shall have first been satisfactorily adjusted by arbitration, and the damages so adjusted paid to the property owners.

The Council by taking such action will save to the Railroad Company all the privileges asked, and at the same time deal justly by all who are seriously damaged by the exercise of its power to grant right-of-way through public streets to railroad companies.

Respectfully submitted,

ROBERT KENNINGTON,

Mr. Sherwood introduced general ordinance No. 5, 1873, which reads as follows:

An ordinance authorizing the Union Railway Company of the city of Indianapolis to lay additional tracks and to extend the Union Passenger Depot over a portion of Louisiana street, and prescribing certain conditions, restrictions and regulations.

Section 1. *Be it ordained by the Common Council of the City of Indianapolis,* That the Union Railway Company be, and are hereby, permitted and authorized to lay down upon and along the streets and alleys of said city certain railway tracks as hereinafter provided; and that the same shall be done agreeably, in all respects, to the provisions of this ordinance, and that the said Railway Company shall perform the acts herein required, and conform strictly to the conditions and requirements herein contained.

Sec. 2. The said Union Railway Company are authorized and empowered to lay down, operate and use a double Union railway track of an aggregate

width not exceeding thirty feet. That the route of such track or tracks shall be as follows, viz: Commencing at a point on the present line of the Union track at its intersection with Liberty street, thence running on the south side of said Union track south-westwardly down Pogue's Run, crossing East street, New Jersey street, Virginia avenue and Alabama street at their intersection; Delaware street, Pennsylvania street, thence southwest to a point on the east line of Meridian street opposite to the beginning of McNabb street, thence west across Meridian street, thence upon and through McNabb street, and across Illinois, Tennessee and Mississippi streets, one of said tracks continuing thence north-westwardly across Louisiana street and intersecting the present southernmost railway track on Kentucky avenue, and the other of the said two tracks diverging westwardly and intersecting one of the existing Union railway tracks in Louisiana street, at a point in said track between Mississippi and Missouri streets. The extreme southern rail of the tracks on McNabb street shall not be more than thirty feet distant at any point from the southern wall of the present Union Railway Passenger Depot; nor shall any rail or track be laid on Louisiana street north of the track now laid therein, and used for railway purposes.

Sec. 3. The said Union Railway Company are authorized and empowered to cross with the tracks aforesaid all public alleys that may intervene between the *termini* of the route in the preceding section.

Sec. 4. It shall be the duty of said Union Railway Company, and one which they shall be deemed to have assumed and accepted, by proceeding to lay the tracks above mentioned, to use all reasonable and proper precaution to prevent injury or harm to any one within said city, in operating their locomotives and cars upon any track of said company, or over which the said company shall exercise control. It shall also be the duty of said company to cause all of its tracks to be so laid and maintained as that they shall conform to grades of all streets and alleys upon, along, or across which the said track or tracks may be laid, and that such track or tracks shall, at all times, be by said company maintained in proper accordance with the grade of such streets and alleys as such grades may be established at any time by the Common Council of said city. It shall be also the duty of said Union Railway Company to make and construct safe, secure and proper crossings at all points where any track or tracks, by it owned or controlled, shall cross or intersect any street or alley, and to keep and maintain the same, at all times, in good, proper and suitable repair. The said crossings to be by said company so constructed and maintained as that the same shall afford citizens and travelers safe, convenient and comfortable passage across such track or tracks. Said company shall plank the entire space occupied by its track or tracks upon street or alley crossings, and the space intervening between the rails of such track or tracks, and four feet on the outer edge of each rail, with good, substantial and proper material, skillfully and carefully laid down and fastened, and so laid and maintained as to correspond to the street or alley grade: *Provided*, That when the rails are laid upon or across the stone culverts or

arches hereinafter provided, the planking above mentioned and described need not be laid down.

Sec. 5. It shall be the duty of said company to cause stone arches or culverts to be constructed across the stream known as Pogue's Run wherever on the line of the route hereinbefore described the track or tracks of said company shall cross a street intersecting the said stream. The said culverts to be constructed of stone, the arches to be not less in width than twelve feet in the clear, and of suitable, proper and adequate dimensions, and to be in every respect constructed in a substantial, skillful and proper manner, and to the satisfaction of the Civil Engineer of said city. The said culverts to be so constructed and maintained as not to obstruct the free flow and passage of water, and so that they shall afford free, convenient and safe passage to all persons and teams passing upon and along the streets and sidewalks. Said Railway Company shall also keep the said stream over which such culverts may be constructed free from all rubbish and obstructions likely to impede the flow of water or to create a public nuisance.

Sec 6. It is also required of said Union Railway Company, to deepen the bed and channel of said Pogues Run, beginning at the intersection of said Run with Liberty street, and extending down stream to the point in said Run where the South street sewer crosses said Run. The bed of said stream to be deepened and depressed as much as can be done without interfering with, or endangering said South street sewer, and in such a manner as shall best secure the free and rapid flow of water down the channel of said Run, the levels to be such as shall afford the utmost flow which can be obtained without disturbing or injuring the said sewer. The work to be done by said company in accordance with plans furnished by the sewer engineer, and to the satisfaction of such engineer.

Sec. 7. The said Railway Company shall provide, maintain, and construct all drains, culverts, sewers, and bridges which the laying down and maintenance of its tracks may now, or hereafter render necessary or proper, or which may be required to promote the comfort or security of persons, or to prevent injury or harm to property, and these it shall at all times keep and maintain in good and proper condition and repair, and of suitable and adequate character and dimensions. The said drains, sewers, bridges, and culverts to be so constructed, and so kept and maintained that no injury, loss or harm shall be caused by them, or either of them, to any person whatsoever; and should damages be recovered of said city for any injury resulting from any such drain, bridge, culvert, or sewer, the judgment, costs, and expenses shall be paid by said company. In the laying down, maintenance, operation, and use of its tracks, the said company shall use due care and skill, and use reasonable precautions to prevent harm or injury to any one. In the use, management, and operation of locomotives and cars upon its tracks the said Union Railway Company shall conform to the requirements of the ordinances of said city, now in force in said city, or which may be hereafter

established by such city in the exercise of police powers. The company shall require and compel its employes, and the employes of all railway companies to use said tracks, to conform to and obey the ordinances of said city respecting the operation of railways, and the management of locomotives, cars, and trains.

Sec. 8. The acts by this ordinance required of said company, and the duties herein imposed upon it, so far as the same concerns crossings, culverts, bridges, streams, drains and sewers, shall be done and performed concurrently with the laying down of such track or tracks.

Sec. 9. In case the said Union Railway Company shall, after having laid down any portion of the tracks hereinbefore described, fail, refuse, or neglect to comply with the conditions and provisions of the grant herein made, the Common Council may, by motion, direct the City Marshal to remove the track or tracks of such company, and the rights of such company shall thereupon cease and determine, and its tracks may, in the discretion of the Common Council, be held and considered as unlawful obstructions upon such streets, and as such removed. If the Common Council should so elect, they may cause any drain, bridge, culvert, sewer, or crossing to be altered, reconstructed or repaired, and the officer directed to do such work shall keep a true and accurate account of the expense and cost thereof, and the same shall be verified by such city officer, and shall be taken and held as conclusive evidence of the expense and cost of such work, unless impeached for fraud. Before any track shall be removed, and before any work as aforesaid shall be done, the City Marshal, or such person as the Common Council may designate, shall notify the Union Railway Company what is required, and direct, in general terms, attention to what work should be done. Such notice shall be in writing, and shall be served by mailing the same addressed to the President of said Union Railway Company at Indianapolis, and of such service the certificate of the officer or person mailing such notice shall be sufficient evidence. Within ten days after such notice is mailed as aforesaid, the company shall proceed to do the work required, and the failure to commence and to prosecute said work with diligence shall empower and authorize the Common Council to proceed in the manner herein provided. For the cost and expense, should any be incurred, of the said work the city shall be entitled to recover judgment, at her option, as aforesaid, in any Court of competent jurisdiction; and for any damages which such city may be compelled to pay, because of any wrongful act or omission of said company, she shall be entitled to judgment as aforesaid.

Sec. 10. The said Union Railway Company shall protect all excavations and all dangerous places, which they may make or create during the progress of the work of laying tracks, by suitable and proper barricades, and shall use all reasonable and proper means to prevent injury to any person. Should any loss or injury be occasioned any person by the negligence or wrongful act of said company or her servants, the said company shall pay all damages and

expenses; and should an action be brought against the city therefor, the said company shall, upon notice, appear and defend; and should judgment be rendered against the city, said company shall fully pay the same, with all costs and expenses.

Sec. 11. The said Union Railway Company is authorized to lay the tracks hereinbefore provided for, upon and across the culvert recently constructed by said city across and over Pogues Run at the intersection of East street; but before laying such tracks the said company shall pay to said city a proportionate part of the cost thereof, the proportion to be in the ratio of the part of said culvert occupied by said Railway Company, to the entire costs of the construction of the said culvert.

Sec. 12. The said Railway Company is hereby licensed and empowered to use and occupy Louisiana street, between the west line of Meridian and the east line of Illinois streets, extending north of the present line of the Union Railway Depot a distance of twenty-nine feet, and no more, and leaving open, and entirely clear and free of all railway tracks forty-six feet of said Louisiana street, within the limits aforesaid, all tracks now on said street to be by the said company taken up and removed. The said depot to be used as a public passenger railway depot, and not any time, or in any manner, shall it be used as a freight depot. In case said Union Railway Company shall use, suffer, or permit said depot to be used for any purpose other than that herein designated, all rights conferred by this ordinance on said company shall cease, and revert to said City of Indianapolis.

Sec. 13. Nothing in this ordinance contained shall be construed as impairing, or interfering with the rights of any individual, nor as transferring to the said Union Railway Company the private rights of any person whatsoever, but the said Union Railway Company shall pay to the owners of property on the line of said proposed route all such just and legal damages as said property owners shall, or may be entitled to receive and recover.

Sec. 14. The said Common Council does not undertake to warrant that they have power to grant the rights and privileges herein conferred, but they do undertake to authorize and empower said Railway Company to use and occupy the streets and alleys as aforesaid, and in the manner specified, as fully as they may lawfully and rightfully do, and the leave and license by the terms hereof granted to said Union Railway Company shall be deemed and taken to license, as far as the Common Council can lawfully do, the use and occupancy, under the conditions, restrictions, and regulations herein contained, of the streets and alleys hereinbefore mentioned for the purposes declared and specified.

Which was read the first time.

Mr. Thalman offered the following motion :

Moved, That the City Clerk have the ordinance and both reports printed in the regular proceedings, and furnish each member of this Council a copy of the same so soon as printed, and that a special meeting be held one week from next Thursday night to consider this question.

Which was adopted.

Mr. Kennington presented the following remonstrance :

INDIANAPOLIS, Feb. 3, 1873.

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

The undersigned, property holders in square ninety-six (96), in the city of Indianapolis, respectfully remonstrate against the granting of the privileges petitioned for by the Union Railroad Company, to-wit: The permission to occupy McNabb street for two railroad tracks and the occupation of part of Louisiana street for the building of an extension of the Union Depot. We also remonstrate against the ordinance granting said privileges. And we respectfully show that the property owned by the undersigned would be greatly damaged and its value partly destroyed by the granting of said privileges and the passage of said ordinance.

A. Seidensticker, Ægidius Naltner, E. H. Winchester,
Sam'l E. Moran and Jacob Wachtstetter.

Which was received.

Mr. Whitsit moved that the City Civil Engineer make a survey of McNabb street and report to this Council whether the property holders or the Union Railway Company encroaches on said McNabb street.

Which was adopted.

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

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN :—Your Committee on Streets and Alleys, to whom was referred sundry papers; beg leave to report as follows :

1st. Is a motion that all superfluous assistants in the Engineer's office be discharged. We have inquired into the matter and find that during the extreme cold weather some of the men have been idle, simply because it was impossible to do the work. We would not recommend that they be discharged, as all the help the Engineer has will be needed so soon as the weather moderates.

2d. Is a petition from the Cincinnati, Hamilton & Indianapolis Railroad Company praying for the vacation of certain streets in the south-east part of the city. This vacation is desired with a view of locating machine shops and repair yards in that vicinity. Until the necessary legal proceedings have been complied with, in the way of advertising and giving notice, and filing the necessary affidavits, we have no power to act. We would recommend that before such vacation is ordered by this Council, that a contract be made, binding the Company to erect and maintain shops on the land; and that if they do not that the real estate again revert to the city for a street—that the Railroad Company pay cost of work done by street contractor, and that the Railroad Company dismiss the suit in the United States Court, at their cost.

3d. Is a remonstrance from Andrew Wallace regarding the grading of an alley. The work has been done according to the stakes set by the City Engineer. We recommend that no further action be taken in regard to the matter.

4th. Is a petition to prevent express wagons from standing on Washington street between Pennsylvania and Delaware streets. There is an ordinance now pending which, if the Council desire to pass, will give the relief they ask for.

5th. Is a motion that the Marshal notify the owners of the new hotel property, on north Pennsylvania street, to remove or properly secure the two top stones from the northwest corner, which are in a dangerous position. We recommend that the motion be concurred in.

6th. Is a petition from Peter Rucker praying that the city defend him in a suit instituted against him by a property owner on account of water flowing into his cellar from said Rucker's lot—Rucker claims that it is the fault of the city. We think different, and recommend that no action be taken.

7th. Is a petition from citizens praying that the hay scales in front of 185 Indiana avenue be allowed to remain in the said street. The property owner, in front of whose property they now are, remonstrates. We recommend that the Marshal notify the owners of said scales that so soon as the weather will permit to remove them further west from in front of remonstrant's property.

Respectfully submitted,

ISAAC THALMAN,
JOHN T. PRESSLY,
C. E. WHITSIT.

Committee on Streets and Alleys.

Which was concurred in.

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

INDIANAPOLIS, Feb. 3, 1873.

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

GENTLEMEN:—We, the undersigned, members of the Committee on Fire Department, to whom was referred the petition of S. A. Fletcher, E. W. Woodward, John W. Ray, A. L. Roach and others, in regard to a test of the "Champion Fire Extinguisher," would report that under the direction of the Committee and Chief Fire Engineer a test was made on the West Market Square by the agents of the said apparatus, where it was demonstrated to the satisfaction of the Committee that the Champion was all that was claimed for it, viz, the simplest and best of its kind now in use; and while we are satisfied that it is a good thing, yet we recognize the present efficient standing of our Fire Department and the depleted state of the city treasury, and can not recommend the purchase of the machine at this time.

Respectfully submitted,

W. H. CRAFT,

C. E. WHITSIT,

E. J. HARDESTY,

Com. on Fire Dept.

DAN. GLAZIER,

Chief Fire Engineer.

Which was concurred in.

Dr. Woodburn moved that the apparatus belonging to the Champion Fire Extinguisher be accepted by the Common Council without any pay therefor to the owners thereof, and the same placed under the care of the Chief Fire Engineer.

Which was adopted.

Mr. Craft presented the following petition:

INDIANAPOLIS, Feb. 3, 1873.

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

The undersigned, citizens of Indianapolis, would respectfully represent the benevolent association, known as the "Ladies' Society for the Poor," of this city, have been doing good work for the past three years in helping the poor of this city to food, clothing and fuel. Their funds have been made up from time to time of voluntary contributions from citizens and from the re.

ceipts of sundry fairs and exhibitions. They now find their treasury exhausted, with many more weeks of a severe winter before them, and many poor people to be cared for. They need funds to enable them to furnish aid to the deserving and suffering poor, and your memorialists would respectfully pray your honorable body to appropriate the sum of one thousand dollars to said society to be expended by them in relieving the poor of the city.

Wm. Mitchell, P. Kirland, J. M. Butler, J. E. McDonald, A. G. Porter, and 14 others.

Which was referred to the Committee on Benevolence.

Mr. Gibson offered the following resolutions:

Resolved, That the Water Works Company of Indianapolis be directed and required to lay down and extend pipes and mains upon and along the streets and within the limits hereinafter described, such pipes and mains to be laid down for the purpose of conveying and supplying water, and in conformity to the ordinances of said city of Indianapolis applying to and governing such matters.

Resolved, That the said city of Indianapolis is ready and willing to do the acts by the ordinances aforesaid of her required, and does offer to receive the hydrants furnished and located in accordance with the ordinances aforesaid, and to pay rent for all water furnished for her, in conformity to the said ordinances, and to do and perform all acts by said ordinances of her required.

Resolved, That water pipes and mains be laid down and upon the following streets, and within the following limits, to wit: On the National Road from Geisendorff street to Blake street, thence north on Blake to New York street, thence east on New York street to West street, thence north on West street to Indiana avenue, and south on West street to Ohio street and connect with the pipe now laid to that point on West street; from water main on the first alley south of West Washington street north to Washington street, from said main on South California street to Washington street: Also, on North Tennessee street from Michigan street to Tinker street; on North Mississippi street from Indiana avenue to Tinker street: on Pennsylvania street from South street to Madison avenue, south on Madison avenue to McCarty street, west on McCarty to Union street, south on Union to Morris street, said water mains to be laid down and ready for use by May 10th, 1873.

Resolved, That these resolutions are intended to notify said Water Works Company to do and perform the things specified in section five of an ordinance established January 3, 1870, entitled "An ordinance authorizing the Water Works Company of Indianapolis to construct, maintain and operate water works, and supply the water to the city and citizens of Indianapolis, defining their powers and privileges, and prescribing their duties."

Resolved, That a certified copy of these resolutions be certified by the City Clerk to the City Marshal, and that the said Marshal at once serve them upon the Water Works Company, and of his service, without delay, make due return to the City Clerk.

Which were referred to the Committee on Water Works and Chief Fire Engineer.

Mr. Kahn offered the following motion :

Moved, That the Chief Fire Engineer be, and is hereby, instructed not to use the new Fire Extinguisher at any of the fires, unless he finds it extremely necessary.

Which was adopted.

Mr. Kennington offered the following motion :

Moved, That the City Marshal be, and is hereby, instructed to notify the Madison and Jeffersonville Railroad Company to put in two culverts across the above said railroads on Ray street, and if not constructed within twenty days the same to be done by the Street Commissioner, and charge the same to the above Railroad Company.

Which was adopted.

Mr. Kennington also offered the following motion :

Moved, That the Street Commissioner be directed to put foot bridges across High street on Bicking street.

Mr. Pressly offered the following resolution :

WHEREAS, The Indianapolis & Cincinnati Railroad Company were granted right-of-way upon certain terms and conditions, and these terms were accepted and acted upon by the said Railroad Company, and these terms and conditions the said Company have wholly failed, neglected and refused to perform. Therefore,

Resolved, That the City Solicitor be required to bring suit against said Railroad Company to compel the performance of said contract on their part.

Which was referred to the City Solicitor with power to act.

Mr. Thalman offered the following motion :

Moved, That the City Clerk be directed to give the proper legal notice to property owners for the extension and widening Blackford street from North street to Indiana avenue.

Which was adopted.

Also the following motion :

Moved, That the City Clerk advertise for proposals for lettering street lamps and street corners (where not already done) in the manner recommended by the Committee on Gas.

Which was adopted.

Also the following motion :

Moved, That the report of the City Commissioners, made to this Council on the 27th of January, for widening and extending Locke street, be adopted.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Bollman, Craft, Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Sherwood, Thalman, Whitsit, Wiles and Woodburn—14.

Negative—None.

Also the following motion :

Moved, That the City Marshal notify the owner of the Bill Boards situated on West Washington street, between Missouri and West streets, north side, that the same has become an intolerable nuisance, and must either be removed at once or some three feet of the lower planking be taken off.

Which was adopted.

Also the following motion :

Moved, That Jacob Miliken be allowed to move a frame house, 13 by 16, from South Illinois street to either East Georgia street or West South street.

Which was adopted.

His Honor, the Mayor, offered the following :

Moved, In behalf of the Champion Fire Extinguisher Company, their Ag'ts, Messrs. Mears & Lilly, desire to tender their thanks for the kindnesses and assistance rendered in the trial of the Extinguisher, and the manner in which ourselves and our machines have been treated at the hands of the Fire Committee, the Chief Fire Engineer and your Council.

(Signed)

MEARS & LILLY, Agents.

Which was received.

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

INDIANAPOLIS, Jan. 24, 1873.

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

GENTLEMEN:—Your Committee on Bridges, to whom was referred a motion requesting the City Clerk to renew the insurance policies on the White River Bridge, have consulted with I. C. Hays, the agent, and find that he is unwilling to take the risk at a less rate than two dollars per hundred. Your Committee would therefore recommend that the same be renewed at said price.

JOHN T. PRESSLY,

L. Q. SHERWOOD,

Com. on Bridges.

Which was concurred in.

Dr. Woodburn presented the following :

Recapitulation of Monthly Report of the Expenditures of the City Hospital, ending Jan. 31, 1873 :

Total expenditures for the month.....	\$1,024 18
Aggregate number of days for which Subsistence, etc., was furnished, 2019	
Average expense per capita per diem.....	\$0 50.2

J. W. MARSEE, Superintendent.

Which was received.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.