

PROCEEDINGS
OF THE
COMMON COUNCIL.

REGULAR SESSION.

CHAMBER OF THE COMMON COUNCIL OF THE
CITY OF INDIANAPOLIS,
Munday, April 7, 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 Batty, Bigham, Bollman, Cottrell, Gibson, Gimber,
Hardesty, Kahn, Kennington, Pressly, Sherwood, Thalman, Whit-
sit, Wiles and Woodburn—15.

Absent—Councilmen Craft, Reagan and Rush—3.

Sealed proposals for streets, &c., were received, opened, read
and referred to the Committee on Contracts.

The proceedings of the regular session, held March 31st, 1873, were read and approved.

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

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—Your Committee on Contracts and Citizens Committee, to whom was referred sundry proposals for grading, paving with wooden block pavement, widening the sidewalks, and curbing the outside edges of the sidewalks with stone, Tennessee street from the north side of Indiana avenue to the north side of First street, have examined the proposals presented, and would recommend that the contract for the same be awarded to J. B. Smith at his bid, which is one dollar and sixty-four cents per superficial yard for grading and paving, and sixty-one cents per lineal foot front for curbing with stone, and grading and widening the sidewalks, the said work to be done in accordance with specifications numbered 3, and on file in the office of the City Civil Engineer.

Respectfully submitted,

L. Q. SHERWOOD,
ISAAC THALMAN,
H. S. BIGHAM,
Com. on Contracts.

We, the undersigned Committee of Citizens, appointed to act in conjunction with the Committee on Contracts for the improvement of Tennessee st., concur in the above report, and would ask that the recommendation of said committee be approved.

DAVID GEYER,
A. G. PORTER,
D. M. RANSELL,
Citizens Com.

Which was concurred in, and contracts awarded, with the following proviso: That the contractor shall give a good and sufficient bond to save the city harmless against royalty.

Also, the following report :

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—Your Committee on Contracts, to whom was referred sundry proposals for various street improvements, have examined the same and would recommend that contracts be awarded as follows, to-wit:

FIRST.

For constructing an 18 inch cement pipe sewer in and along Potomac alley, to extend from Meridian street to Severn alley, to connect with a sewer built in said Potomac alley, north of Griffith's block, to R. M. Reiner, at \$3.00 per lineal foot run; manholes \$35 each complete; catch-basins \$115 each complete; connections on the pipe 50 cents each.

SECOND.

For constructing a sewer in out-lot No. 101, to be a continuance of the sewer now in said alley, between lots 25 and 26, in out-lot No. 101, and to run to the south side of Stevens street, the said sewer to be constructed of 24 inch cement pipe to R. M. Reiner, at \$2 35 per lineal foot run for the sewer; manholes \$34 each complete; catch-basins \$99 each complete, including house connections.

THIRD.

For building a stone arch across Pogue's Run, at the crossing of Michigan street, to Cummings & Petrie, at \$6 25 cents per cubic yard for the stone work; foundation timber, \$2 per 100 feet board measure; excavation 25 cts. per cubic yard; filling 25 cents per cubic yard.

FOURTH.

For the erection of a frame building to be used as a Pest House, and erected according to plans and specifications to be furnished by the Common Council to T. J. Morse, for the sum of \$4,373.

FIFTH.

For building a fence around the Pest House grounds according to plans and specifications prepared by the City Civil Engineer, to Charles J. Morse, at 43 $\frac{3}{4}$ cents per lineal foot run.

SIXTH.

For grading and paving with brick the east sidewalk on Delaware street from Wyoming to Bicking street, to Andrew Douglass at 62 cents per lineal foot.

SEVENTH.

For grading and paving with brick the west sidewalk of East street from Gregg to Cherry street, to Andrew Douglass at 63 cents per lineal foot.

EIGHTH.

For grading and paving with brick the sidewalks on North Delaware street from the north side of St. Clair street to the south side of Tinker street,

where the same is not already paved, to Henry C. Roney, at 78 cents per lineal foot front on each side of the line improved.

NINTH.

For grading and graveling Peru street and paving with brick the sidewalks from Massachusetts avenue to Forest Home avenue, to J. L. Hanna at \$1.15 per lineal foot for grading and graveling the street and paving the sidewalks with brick; for bowldering the crossings 75 cents per superficial yard; curbing 70 cents per lineal front foot.

TENTH.

For grading the first alley west of Virginia avenue, running from Valley street to the first alley west of Virginia avenue, to G. W. Buchanan at 12½ cents per lineal foot front on each side of the line improved.

ELEVENTH.

For grading the first alley north of Merrill street, from the first alley east of East street to the first alley west of Virginia avenue, to G. W. Buchanan at 12½ cents per lineal foot front on each side of the line improved.

TWELFTH.

For grading and graveling the alley running from Harrison to Lord street, and between Benton and Cady streets, in out-lot No. 91, to James Mahoney at 35 cents per lineal foot front on each side of the line improved.

THIRTEENTH.

For grading and graveling the first alley west of New Jersey street, between Merrill and McCarty streets, to Michael Foust at 50 cents per lineal foot front on each side of the line improved.

FOURTEENTH.

For grading and graveling the first alley west of Virginia avenue, running from McCarty street to the first alley north of McCarty street, to Michael Foust at 35 cents per lineal foot front on each side of the line improved.

FIFTEENTH.

For grading and graveling Yeiser street and sidewalks from Japan street to the Madison Road, to Michael Foust at 77 cents per lineal foot front on each side of the line improved.

SIXTEENTH.

For grading and graveling Grove street and sidewalks from Virginia avenue to Dillon street, to James Mahoney at 74 cents per lineal foot front on each side of the line improved.

SEVENTEENTH.

For grading, bowldering, curbing and putting down stone crossings on Delaware street from Pogue's Run to the south side of South street, to Hiram Seibert at 75 cents per superficial yard for bowldering; curbing 60 cents per lineal foot front; flagstone crossings 55 cents per lineal foot run.

Respectfully submitted,

L. Q. SHERWOOD,
 ISAAC THALMAN,
 H. S. BIGHAM,
 Committee on Contracts.

Which was concurred in and the contracts awarded.

The Board of Health submitted the following report:

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—The Board of Health would respectfully submit the following monthly mortality report ending on the 31st of March:

Under 1 year.....	23
From 1 to 2 years.....	7
From 2 to 5 years.....	10
From 5 to 10 years.....	10
From 10 to 15 years.....	5
From 15 to 20 years.....	4
From 20 to 25 years.....	4
From 25 to 30 years.....	9
From 30 to 40 years.....	9
From 40 to 50 years.....	11
From 50 to 60 years.....	6
From 60 to 70 years.....	3
From 70 to 80 years.....	4
From 80 to 90 years.....	2
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total	106

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

Also, the following report:

INDIANAPOLIS, April 7, 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 April 7, 1873:

Under 1 year.....	6
From 1 to 2 years	1
From 2 and 5 years	3
From 5 to 10 years.....	3
From 10 to 15 years.....	2
From 15 to 20 years.....	1
From 20 to 25 years.....	1
From 25 to 30 years.....	2
From 30 to 40 years.. ..	3
From 40 to 50 years.. ..	1
From 50 to 60 years.....	2
From 60 to 70 years.....	1
From 70 to 80 years.. ..	1
From 80 to 90 years.....	2
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total.....	29

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

The Street Commissioner made the following report:

INDIANAPOLIS, April 1, 1873.

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 March 1, 1873:

FIRST WARD.

Cleaning Pennsylvania street three squares, Delaware street three squares, New Jersey street two squares and Massachusetts avenue two squares.....	\$200 00
Repairing the culvert on Massachusetts avenue and New York sts..	11 00
Put four foot bridges on Liberty street.....	16 00

Repaired the culvert on Michigan and New Jersey streets.....	12 00
Repairing the sidewalk on Davidson street.....	18 00
Total.....	<u>\$257 00</u>

SECOND WARD.

Repairing the culvert on Noble and St. Clare streets	\$9 00
Repairing the culvert on North and Pennsylvania streets.....	15 00
Put four foot bridges on Broadway and Butler streets.....	16 00
Repaired the culvert on St. Clair and East streets.....	7 00
Cleaned New Jersey street three squares and Pennsylvania street four squares	140 00
Repairing sidewalk on Malotte avenue.....	7 00
Total.....	<u>\$194 00</u>

THIRD WARD.

Cleaned Tennessee street one square, Illinois street two squares and Meridian and Circle streets four squares.....	\$100 00
Repaired the culvert on North and Meridian streets.....	5 00
Repaired the culvert on North and Mississippi streets.....	14 00
Repaired the culvert on Market and Tennessee streets	7 00
Put foot bridge on corner Market and Tennessee streets.....	4 00
Total.....	<u>\$130 00</u>

FOURTH WARD.

Cleaned Washington street five squares.....	\$70 00
Put four foot bridges on Michigan and Blackford streets.....	16 00
Put two foot bridges on California and North streets.....	8 00
Repaired culvert on Indiana avenue and Blake street.....	7 00
Total.....	<u>\$199 00</u>

FIFTH WARD.

Cleaned Washington street seven squares, Illinois street four squares and Kentucky avenue one square.....	\$140 00
Repaired the culvert on West and Louisiana streets	11 00
Regraded the first alley North of South street running west from Illinois street	48 00
Total.....	<u>\$199 00</u>

SIXTH WARD.

Cleaned Delaware street two squares, Virginia avenue one square,
Washington street three squares, Maryland street two squares, Me-

ridian street four squares, McNabb street one square and Louisiana street one square.....	\$240 00
Repaired culvert on Illinois and Merrill streets....	6 00
Total.....	\$246 00

SEVENTH WARD.

Cleaned Delaware street two squares, Washington street three squares, Alabama street two squares and Virginis avenue two squares	\$140 90
Repaired the culvert on Cumberland and New Jersey streets	4 00
Repaired the sidewalk on South street between Delaware and Alabama streets.....	18 00
Total.....	\$162 00

EIGHTH WARD.

Cleaned Washington street three squares.....	\$35 00
Put nine foot bridges on Meek, Cady and Georgia streets.....	36 00
Repaired East street over Pogue's Run.....	70 00
Repaired the culvert on Washington street and Michigan road. ...	11 00
Opened the gutter on Liberty street two squares, on Meek street two squares and Stephen street two squares.....	60 00
Repaired the culvert on McCarty and Water streets.....	7 00
Total	\$219 00

NINTH WARD.

Cleaned Washington street eight squares, Market street three squares, Meridian and Circle street four squares, Pennsylvania street three squares, Delaware street three squares and Massachusetts avenue one square.....	\$270 00
Repairing culvert on Market and Delaware streets.....	2 00
Total.....	\$272 00

BRIDGES.

Repaired the bridge over the canal on Washington street.....	\$14 00
Repaired the bridge over Pogue's Run on Ohio street.....	18 00
Repaired the bridge over Pogue's Run on New Jersey street.....	15 00
Repaired the bridge over Pogue's Run on Meridian street.....	9 00
Total.....	\$50 00

MISCELLANEOUS.

Cleaned up and repaired the Market square..	\$195 00
Put stone crossing on Virginia Avenue at Merrill street...	100 00
“ “ “ School “	100 00
“ “ “ South “	125 00
“ “ “ Madison “ Meridian “	240 00
Total	\$760 00

RECAPITULATION BY WARDS,

Showing the amount on hand March 1, 1873, the amount appropriated March 3, 1873; the amount expended since March 1, 1873, and the amount on hand at the present date:

WARDS, ETC.	Balance Mar. 1, 1873.	Deficit Mar. 1, 1873.	Appropriated Mar. 1, '73.	Total with appropriation	Expended since Mar. 1.	Balance.	Deficit.
First Ward.....	\$56 00		\$500 00	\$556 00	257 00	299 00	
Second Ward.....		\$128 00	500 00	372 00	194 00	178 00	
Third Ward.....		272 00	500 00	228 00	130 00	98 00	
Fourth Ward.....		200 00	500 00	300 00	117 00	183 00	
Fifth Ward.....		107 00	500 00	393 00	199 00	194 00	
Sixth Ward.....		141 00	500 00	359 00	246 00	113 00	
Seventh Ward....	10 00		500 00	510 00	162 00	348 00	
Eighth Ward.....		170 00	500 00	330 00	219 00	111 00	
Ninth Ward.....		417 00	500 00	85 00	272 00		189 00
Bridge Fund.....		631 00	1000 00	369 00	56 00	313 00	
Sewer Fund.....		776 00	1000 00	224 00		224 00	
Miscellaneous F'd			2000 00	2000 00		1240 00	
Total.....	\$66 00	\$2842 00	\$8500 00	\$5724 00		\$3301 00	\$189 00

Respectfully submitted,

A. BRUNER, Street Commissioner.

Which was received.

The Sewerage Engineer made the following report:

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—Some time since the Council ordered a catch basin to be built at the northeast corner of New Jersey and South streets. John A Whitsett was employed to do the work, which is now completed and there is due him the sum of one hundred and seventeen dollars and twenty-five cents, (\$117.25.)

Respectfully submitted,

J. W. BROWN, Sewer Engineer.

Which was concurred in.

The City Civil Engineer made the following report:

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—In the specifications I have prepared for the improvement of certain streets, I have deemed it necessary, and have specified that the contractor shall roll said streets—as directed—with the steam road roller owned by the city. I ask if such use of said roller will be authorized by your honorable body.

And further—as it is specified that said rolling shall be done by and at the expense of the contractor, I respectfully suggest that your honorable body appoint a competent person to take charge of and operate said roller.

Respectfully submitted.

R. M. PATTERSON, City Engineer.

Which was concurred in, and the Special Committee on Steam Road Roller instructed to employ some competent person to take charge of the Roller.

The City Civil Engineer made the following report:

INDIANAPOLIS, April 7, 1873.

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

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

R. M. Reiner final estimate for building brick sewer in Canal at the crossing of Maryland street:

110 lineal feet of brick sewer at \$10.68 per foot	\$1,174 80
885.6 cubic yards of embankment at 28 cents per yard.....	247 96
107.6 cubic yards of excavation at 28 cents per yard.....	30 12
Total estimate	\$1,452 88
Deduct former estimate.....	1,276 91
Present payment.....	\$175 97

Also, John Vollmer, final estimate for building stone abutments for an iron bridge over the Central Canal on Third street:

146.6 cubic yards of stone masonry at \$5.65 per cubic yard....	\$828 29
170.8 cubic yards of excavation at 25 cents per yard.....	42 70
Total estimate.....	\$870 99
Deduct former payment.....	777 20
Present payment.....	\$93 79

Also, John Vollmer, a partial estimate for building stone abutments for bridge over arm of Canal on West street :

150 cubic yards of stone masonry at \$5.75 cents per cubic yard....	\$862 50
136 cubic yards of excavation at 25 cents.....	34 00
	<hr/>
Total estimate..	\$896 50
Deduct 10 per cent.....	89 50
	<hr/>
Present payment.....	\$807 00

Respectfully submitted,

R. M. PATTERSON, Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, April 7, 1873.

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

FIRST.

Contract and bond of James Mahoney for grading East Grant street and sidewalks, and graveling the east sidewalk from Michigan avenue or road to Bates street.

SECOND.

Contract and bond of James Mahoney for grading and graveling Bicking street, and paving the sidewalks with brick from High to East street.

THIRD.

Contract and bond of James W. Hudson, for grading and bouldering the gutter on the south side of North street, and curbing the outside with stone, and flagging the crossings from Meridian to Illinois street.

FOURTH.

Contract and bond of Henry C. Roney, for grading and paving with brick the sidewalks on Chatam street, from Massachusetts avenue to St. Clair street.

FIFTH.

Contract and bond of Henry C. Roney, for widening the pavement, flagging and bouldering the crossings on Massachusetts avenue, from Delaware to Alabama street.

SIXTH.

Contract and bond of John Schier, for grading and paving with brick the east sidewalk on New Jersey street, from Merrill to McCarty street.

SEVENTH.

Contract and bond of Michael Fonest, for grading and graveling Yeiser street and sidewalks from Japan street to the Madison road.

EIGHTH.

Contract and bond of Cummings and Petrie, for building stone arches across Pogue's Run at the crossing of Michigan street.

NINTH.

Contract and bond of Thomas J. Morse, for erecting pest house.

TENTH.

Contract and bond of Thomas J. Morse for erecting fence around the pest house.

ELEVENTH.

Contract and bond of Macauley and Stone, for grading, widening and paving the sidewalks on West street, from Washington to North street.

Respectfully submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in, and the bonds approved.

The Chief Fire Engineer submitted the following report:

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN:—Your Chief Fire Engineer would most respectfully report to you the necessity of purchasing a new hose reel, to be used in the place of the old four-wheeled reel now used by Company No. 10 at the Central Tower. The old reel was only fixed up for temporary use, and is capable of carrying but 500 feet of hose; in some parts of the District this company runs they would hardly be able to get on a stream for the want of hose, and while the city has three men employed at this station, they ought to be so equipped that they will not have to wait for another reel. Besides, the old reel is in a dilapidated condition and needs considerable repairs. I would recommend a reel similar to those formerly made in this city, and which are now in use.

I would further recommend the purchase of the Alarm Gong, formerly used

by Mr. Glazier, for the use of the Chief Fire Engineer, which, as I have been informed, is the property of Mr. Glazier.

I would also report that the city has contracted with Joseph Kruger to build a cistern at the corner of Bradshaw and Lincoln streets, and that the water at this point stands within four feet of the surface of the ground, and that a cistern in this locality can not be built at this time. I have the assurance of practical well-diggers that a large well, say 12 or 15 feet in diameter, could be made at this point which would furnish sufficient water to supply an engine. I would recommend that you would so change your contract.

I would further state that the fire plugs, some ten or twelve in number, which had been frozen, are now all open and in order, the last two having been opened this day.

I have notified George W. Hill & Co., and also Henry Herman and C. Hass, his agent, to raise the smoke stacks of their planing mills to the height of 60 feet, as required by your ordinances.

As to further additional apparatus and improvements necessary to our Fire Department, to keep up with the growth of our city, I am not prepared to report at this time, but will do so at an early day.

All of which is respectfully submitted.

CHARLES RICHMANN,
Chief Fire Engineer.

Which was referred to the Committee on Fire Department with power to act.

City Gas Inspector submitted the following report :

INDIANAPOLIS, April 7, 1873.

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

The following report of the gas for the month of March, 1873, is respectfully submitted :

Number of lamps lighted.....	1714
Extra hours burnt.....	13 $\frac{1}{4}$
Minimum candle power.....	14.30
Maximum candle power.....	19.40
Average candle power for the month.....	16.22

REMARKS.

I am of the opinion that much of the complaint regarding the poor light given by the city lamps arise from continuing in use burners that have become defective by the enlargement of the aperture from the oxidation of the metal.

With such burners, when the cocks are turned full on, the gas will rush out

and upward in a column in increase quantity, but with diminished illuminating power, and if turned off until it ceases to blow, the consumption of gas is too little and the light is again from this cause reduced below the maximum.

The illuminating power of the gas, issuing from a burner, is also materially affected by the varying pressure which it is necessary to use on the mains in order to meet the varying wants of the community.

In view of these facts I would recommend to your notice the pressure gas burner for the public lamps. These burners are made with lava-tips, and so constructed that the consumption of gas is the same under all pressures, and the maximum light will be obtained from the four feet of gas burnt per hour.

Most Respectfully submitted,

E. T. COX, City Gas Inspector.

Which was received, and that portion of the report referring to burners was referred to the Committee on Gas Light, with instruction to report the number of new burners required and cost of same.

Mr. Bigham moved to reconsider the vote by which the resolution was passed at the last meeting of the Council appropriating \$500 in aid of the Editorial Association Convention.

The question being on the reconsideration of the vote,

Those who voted in the affirmative were Councilmen Bigham, Bollman, Cottrell, Gimber, Hardesty, Kahn, Kennington and Woodburn—8.

Those who voted in the negative were Councilmen Batty, Gibson, Pressly Sherwood, Thalman, Whitsit and Wiles—7.

So the resolution was reconsidered.

The City Solicitor made the following report:

INDIANAPOLIS, April. 7, 1873.

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

GENTLEMEN:—Upon the question involved in the motion introduced by Mr. Kahn concerning the power to assess taxes upon gravel and turnpike roads, I submit the following opinion:

The law in force at the time the assessment is made, is the law which de-

termines what property shall be listed and taxed. The charter provides that all property subject to taxation for State and county purposes may be taxed by the city. The law in force January 1, 1873, is that approved December 21, 1872, and there are in it several provisions which would make the property of private corporations subject to taxation. One section, the 26th, is regarded as expressly subjecting to city taxation the portion of the road way lying within the city limits. That section is as follows:

"The personal property of street railroad, plank road, gravel road, turnpike or bridge companies shall be listed and assessed in the county, township, city or town where the principal place of business is located. The track, road or bridge shall be held to be personal property, and listed and assessed as such in the county, township, city or town where the same is located or laid."

All the real estate of such corporation, such as toll houses and the like are by this act made subject to taxation.

I am, therefore, of the opinion that the Common Council may assess all real estate and tangible property of such corporations within the city limits, and the road ways so far as within the corporate limits are subject to taxation for municipal purposes.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, April. 7, 1873.

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

GENTLEMEN:—The question presented by the reference of the motions concerning the permission to Messrs. Carlisle, Adams and Pfaf, is substantially the same, and that is, "Whether after an ordinance has been adopted, providing for the improvement of sidewalks, permission can be granted a property owner to make part of the improvement himself."

The recent cases in the Supreme Court, are much more stringent than the earlier cases, and they require that the record in cases of precepts, show a substantial compliance with the charter. It has long been held that the ordinance is the foundation of the proceeding, and the ordinance as passed must be regarded as an entirety, and as covering all the property named in it. The proceedings must be substantially, such as the ordinance requires, and if some part of the street or sidewalk, is withdrawn, then the ordinance cannot be held to apply to the territory mentioned in it. The property owner liable for the cost of the improvement, may insist that the ordinance be enforced just as passed. If by taking some part of the sidewalk from its operation the ordinance is changed, then of course there is a different ordinance from that constituting the foundation of the proceedings. If upon the other hand, the motion cannot change or repeal the ordinance, as in

ordinary cases it cannot, then the property owner would not be entitled to any deduction for his improvement, and the benefit thus enure to the contractor.

The only provision in the charter which refers to improvements made is as follows :

“ Provided, that when the owner of any lot shall have made any improvement in front of his lot in accordance with the general plan for improvement of such street, and under the direction of the City Engineer, he shall be entitled to a reasonable allowance therefore, upon his proportion of the cost of such improvement, which reasonable allowance shall be determined by the said engineer.”

The group in which this clause is found, indicates that the only allowance that can be made, would be for improvements made prior to the enactment of the ordinance.

While there may be doubt as to the passage of a motion granting permission to pave a sidewalk included in an ordinance will invalidate the proceedings to such an extent as to prevent the collection of the precept, yet it does certainly raise difficult and unnecessary questions, and the safer course will be not to interfere with the operation of the ordinance, or if desired to make an alteration, repeal the ordinance, and commence anew.

I respectfully recommend that as it would at least make some annoying questions, that when ordinances for the improvement of a street are adopted that the ordinance be not changed or interfered with by motion or otherwise, unless it be desired to commence anew.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also, the following report :

INDIANAPOLIS, April 2, 1873.

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

GENTLEMEN:—I have given the questions concerning the rights of the city over gravel and plank roads within the corporate limits much examination and respectfully submit :

That the extension of the city limits over a portion of a plank or gravel road does not deprive the private corporation of its rights and franchises.

These are as much property as lands or goods, and can not, in any event, be taken without compensation first tendered.

When the corporate limits are so extended as to embrace these roads or highways, the city may exercise over them general police powers, that is, may require that they shall be so maintained as not to become nuisances or to endanger the safety of travel thereon. There are very many cases decided by respectable courts, holding that cities may cause their highways to be gra-

ded and paved, and the expense to be collected as in the matter of street improvements from the adjacent property owners, but the courts uniformly hold that these private corporations can not, without compensation paid or tendered, be deprived of the franchise of taking toll. Under the decisions of our own Supreme Court, the Council can not, however, in my opinion, improve these highways at the expense of the adjacent proprietors, and, I may be pardoned for adding, ought not if they could. In case the owner of such a road should abandon it, either by express act or by suffering it to become greatly out of repair, I think the Council have power to treat it as abandoned, and take possession for the benefit of the public. (Sec. 53, sub-section 40, I G. & H. 493.)

Where there has been no abandonment, the only manner in which the right to these roads can be secured is by condemnation under the right of eminent domain. While the provisions of our charter are not so plain as could be desired, yet I think there is sufficient authority to seize and condemn. The first proceeding to secure these roads for streets would be to pass an ordinance declaring the necessity, describing the parcel of the road intended to be seized, and referring the matter to the City Commissioners to assess damages and benefits. The question of the power of the city to seize for public streets these roads ought to be definitely settled, and while the charter must be conceded to be somewhat obscure and the right of the city not entirely free from doubt, yet there is sufficient ground, to say the least, for the city to insist upon her right to condemn such parts of the roads as lie within the city, and are needed for public streets. It has been held that for the purpose of a public street private corporate franchises may be condemned.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

Also the following report:

INDIANAPOLIS, March 26, 1873.

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

GENTLEMEN:—I have examined the question concerning the election of school trustees, and submit the following opinion:

The act approved March 8, 1873, contains the following provision: All laws and parts of laws inconsistent with this act shall be and the same are hereby repealed, except the act providing for a general system of common schools, in all cities of thirty thousand or more inhabitants, etc., approved March 3, 1871, which shall be in full force and effect in such cities therein provided for."

The effect of this clause is to continue in force the law under which the city is now acting, and consequently no election can be held by the common

council, but trustees are to be elected as provided in the act of 1871, (*vide* Acts 71, pp. 20.)

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

His Honor, the Mayor, presented the following :

INDIANAPOLIS, April 1, 1873.

Hon. D. Macauley, Mayor of the City of Indianapolis :

SIR :—I acknowledge the receipt of your letter of March 21st, officially advising me as Secretary of the Union Railway Company, of Indianapolis, of the passage of an ordinance by the Common Council of the city of Indianapolis, on the 28th day of February, 1873, entitled :

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.

Your communication with a copy of the ordinance referred to was duly submitted to the Board of Directors of the Union Railroad Company, at a meeting of the Board held at its office in this city on the 26th day of March, 1873, at which the subject matter of your communication, and also the supplemental ordinance of the City Council passed on the 24th day of March, 1873, were fully considered. Thereupon the following preamble and resolution were adopted and made part of the records of the company, viz :

“The communication of the Mayor of the City of Indianapolis, dated March 21, 1873, enclosing an ordinance passed by the Common Council, of said city, on the 28th day of February, 1873, whereby certain rights and privileges therein designated, were by said City Council granted this Company, being before the Board for consideration ; as also a supplementary ordinance to the ordinance aforesaid, passed March 24, 1873. It was,

“*Resolved*, That such ordinance and supplemental ordinance be accepted ; but he same be referred to a committee consisting of Messrs E. W. Woodard, T. A. Morris and Horace Scott ; charged with the duty of presenting to the City Council certain objections to the provisions of said ordinances and seeking a modification thereof ; with instructions to report to this Board at its next meeting.”

You will observe that the Board of Directors contemplate suggesting to the wisdom of the Council at some future time the property of making certain modifications of the ordinance. But mean while, you will please regard the acceptance of the ordinance and supplemental ordinance as being unconditionally given.

Very respectfully, your obedient servant,

W. N. JACKSON, Sect'y.

Which was received.

ORDINANCES ON FIRST READING.

Mr. Gimber introduced special ordinance No. 79, 1873, entitled:

An ordinance to grade, pave with brick and curb with stone the west sidewalk of Kentucky avenue, between Tennessee and West streets.

Which was read the first time.

Mr. Kennington introduced special ordinance No. 80, 1873, entitled:

An ordinance to grade and pave with wooden block pavement Illinois street from South street to Pogue's Run.

Which was read the first time.

Mr. Bigham presented the following petition:

INDIANAPOLIS, March 31, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on the north side of Washington street, between Noble street and Arsenal avenue, respectfully petition your honorable body to pass an ordinance providing for the grading and paving with brick, to the width of nine (9) feet, the north sidewalk of Washington street from Noble street to Arsenal avenue, where not already paved. And your petitioners will ever pray, &c.

Chas. Aldag, C. Zimmersman, Fred. Spier, W. H. Latham, and 6 others.

Which was received.

Mr. Bigham introduced special ordinance No. 81, 1873, entitled:

An ordinance to pave with brick the north sidewalk of Washington street from Noble street to the corporation line east except where already paved.

Which was read the first time.

Mr. Wiles introduced special ordinance No. 82, 1873, entitled :

An ordinance to grade and gravel Second street and sidewalks from Delaware to Pennsylvania street.

Which was read the first time.

Mr. Sherwood introduced special ordinance No. 83, 1873, entitled :

An ordinance to grade and bowlder the first alley east of Illinois street, running from Market to Ohio streets.

Which was read the first time.

Mr. Bollman introduced special ordinance No. 84, 1873, entitled :

An ordinance to grade and gravel the first alley west of East street, running north and south from Bicking to South street.

Which was read the first time.

Mr. Cottrell introduced general ordinance, No. 15, 1873, entitled :

An ordinance declaring it unlawful to keep hogs or swine in pens, stables, styes, or barns, in the city of Indianapolis, and describing penalties therefor.

Which was read the first time.

Mr. Kahn introduced special ordinance No. 85, 1873, entitled :

An ordinance to grade and gravel with hand screened river gravel the alley running north and south through square No. 16, from Vermont to Michigan streets.

Which was read the first time.

Mr. Thalman introduced special ordinance No. 86, 1873, entitled:

An ordinance to light with gas Douglass street, from North street to Indiana avenue.

Which was read the first time.

His Honor, the Mayor, introduced general ordinance No. 16, 1873, entitled:

An ordinance to prohibit the running at large of cows within the city of Indianapolis.

Which was read the first time.

Mr. Thalman introduced special ordinance No. 87, 1873, entitled:

An ordinance to grade and gravel Potomac street from Mississippi to Blackford street.

Which was read the first time.

Mr. Hardesty introduced special ordinance No. 88, 1873, entitled:

An ordinance to light with gas Second street from Illinois to Tennessee st.

Which was read the first time.

Mr. Hardesty introduced special ordinance No. 89, 1873, entitled:

An ordinance to provide for grading, curbing and raising the bowldered gutters on Virginia avenue, from Pennsylvania street to the intersection of of Maryland street.

Which was read the first time.

Dr. Woodburn introduced special appropriation ordinance No. 18, 1873, entitled :

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

Which was read the first time.

Mr. Batty introduced special appropriation ordinance No. 19, 1873, entitled :

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

Which was read the first time.

Mr. Thalman introduced special appropriation ordinance No. 20, 1873, entitled :

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

Which was read the first time.

Mr. Kahn introduced special appropriation ordinance No. 21, 1873, entitled :

An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis for the month of March, 1873.

Which was read the first time.

Mr Sherwood moved that the contractor, J. B. Smith, for the North Tennessee street block pavement, be allowed to give as security on his bond persons residing in Chicago.

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

Mr. Gimber offered the following motion :

Moved, That David Sylvester be and is hereby granted permission to move two frame buildings from a part of lot 12, in square 87, to a part of lot 7, in square 2, Drake's Addition. Said buildings to be moved by the following route: Commencing at the southeast corner of Illinois and Georgia streets, thence west on Georgia street to Tennessee street, thence north on Tennessee street to First street, thence east on said First street to said part of said lot 7, in square 2, Drake's Addition.

Which was adopted.

Mr. Sherwood presented the following remonstrance :

INDIANAPOLIS, April 7, 1873.

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

Your petitioners, property owners of North Tennessee street, would most respectfully and earnestly remonstrate against the improvement (with any block pavement) of North Tennessee street from First to Twelfth street, the same would be a hardship upon us, a great many of us being citizens of humble means and pretensions. And your petitioners will ever pray, etc.

J. H. Ross, Levi Welker, John Thornburg,
and thirty-two others.

Which was referred to the Committee on Streets and Alleys.

ORDINANCES ON SECOND AND THIRD READING.

Special appropriation ordinance No. 18, 1873,

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

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

Negative—None.

Special appropriation ordinance No. 19, 1873,

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

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

Negative—None.

Special appropriation ordinance No. 20, 1873,

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

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

Negative—None.

Special appropriation ordinance No. 21, 1873,

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

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

Negative—None.

General ordinance No. 9, 1873, entitled :

An ordinance appropriating money and ground for the widening and extension of Locke street from Indiana avenue to Elizabeth street.

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

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

Negative—None.

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

Mr. Batty offered the following motion :

Moved, That Gottleib Berner be granted permission to grade and gravel in front of her property on Peru street, and that the engineer be instructed to set the grade stakes.

Which was referred to the Committee on Streets and Alleys.

Mr. Bigham presented the following petition :

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN :—The undersigned citizens of the city of Indianapolis, and property owners in out Block H, and out-lots numbered sixty-two and sixty-three (No. 62 and 63) respectfully petition your honorable body to cause to be opened an alley nine feet in width running east and west, from Liberty to east street, along the south line of lots Nos. 1, 2, 3, and 4, in out lot 62, and along the north line of lots Nos. 7, 8, 4, and 6, out Block H, and then straight through lots Nos. 1, 2, 3, and 4, in out lot No. 63, in said city, there being no alley through said out lots, and thereby your petitioners are greatly inconvenienced.

Germania Building and Saving Association,
and five others.

Which was received, and the City Clerk directed to give the requisite notice, &c.

Mr. Bollman offered the following motion :

Moved, That the Street commissioner be instructed to lay down flag stone foot crossings on the east side of Delaware street, where the same crosses Virginia Avenue, also foot bridges at same point.

Which was adopted.

Also, the following motion :

Moved, That the Street Commissioner be and is hereby instructed to lay down flag stone foot crossings, on Washington street at the west crossing of Alabama street, also foot bridges of stone at same point.

Which was adopted.

Also the following motion :

Moved, That the City Marshal be and is hereby instructed to notify all Railroad Companies whose tracts cross New Jersey and Delaware streets to plank the said crossings to the full width of said streets. If such work be not done within twenty days from the service of such notices, then the street commissioner to do said work and collect the cost thereof from the Railroad Companies.

Which was adopted.

Mr. Bollman presented the following remonstrance :

INDIANAPOLIS, March 17, 1873.

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

GENTLEMEN :—The undersigned, owners of the real estate fronting on Coburn street, between Madison avenue and East street, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling Coburn street and sidewalks from Madison avenue to East street, as the said street has not yet been opened and we deem the improvement for the present unnecessary. The undersigned represent the majority of feet fronting on Coburn street between East and Madison Avenue. And your remonstrants will ever pray, etc.,

James, Frank and Thomas F. Ryan and W. H. L. Noble.

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell offered the following motion :

Moved, That the C. C. C. & I. Railroad Company have the priveledge of Boulder a wagon way over the sidewalk on the east side of Alabama street between Maryland and Louisiana streets.

Which was adopted.

Also, the following motion :

Moved, That the Civil Engineer be instructed to stake out the alley recently ordered to be opened by the Common Council through square No. 101.

Which was adopted.

Also the following motion :

Moved, That Mrs. Rebecca H. Marsee have the privilege of paving in front of her property on South street, between New Jersey and East streets, with

patent stone—the same to be done within sixty days at her own expense and to the satisfaction of the City Civil Engineer.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be instructed to notify the proper officer of the Indianapolis, Cincinnati & Lafayette Railroad Company to remove the timber now lying on Louisiana street, between New Jersey and East streets, within three days after serving this notice.

Which was adopted.

Moved, That the ordinance providing for the construction of a sewer on Washington street be referred to the Committee on Sewers, with the City Solicitor, and that they be instructed to prepare and report the proper ordinance.

Which was adopted.

Also the following motion :

Moved, That Andrew Wallace be allowed to bowlder the sidewalk in front of his lot, lot 8, square 78, on Maryland street, city of Indianapolis.

Which was referred to the Committee on Streets and Alleys.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, April 5, 1873.

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

GENTLEMEN:—I am informed that there is a petition for a pavement on the south side of Maryland street between Delaware and Alabama street. I pray you will not order a pavement fronting my ware house, as I am now preparing to bowlder in front of my ware house, we have so much hauling to do to and from said house. Lot 8, Square 78.

Andrew Wallace, Wm. Dell, Thomas Rickard, H. Seibert.

Which was referred to the Committee on Streets and Alleys.

Mr. Gibson offered the following motion :

Moved, That the Committee on Railroads and the Councilmen of the Eighth Ward are hereby directed to confer with officers of the C. H. & I. Railroad in relation to the building of shops by said Railroad and the vacation of certain streets for that purpose and report what action if any is necessary to be taken in the matter by this council.

Which was adopted.

Also the following motion :

Moved, That a committee of three be appointed by the Mayor to confer with the County Commissioners in relation to the annexation of territory to the northwest part of the city. That the Sewer Engineer is hereby directed to make a plat of said territory.

Which was adopted, and His Honor appointed as such committee Councilmen Batty, Cottrell and Pressly.

Mr. Gibson, from the Committee on Sewers, made the following report :

INDIANAPOLIS, April 7, 1873.

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

Your Committee on Sewers, to whom was referred the motion to allow the Superintendent of the Asylum for the blind, to place a sewer from that institution to connect with the North Illinois street sewer through Walnut street, at the expense of said asylum, have examined the same and recommend that the motion be passed. The work to be done under the direction of the Sewer Engineer.

C. E. WHITSIT,
DAVID GIBSON.

Com. on Sewers.

Which was concurred in.

Mr. Gimber presented the following remonstrance :

INDIANAPOLIS, April 5, 1873.

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

GENTLEMEN:—We, the undersigned property owners, living on west side of Russell street, respectfully remonstrate against the ordinance for the pavement of brick on the sidewalks of said street, which is introduced to your honorable body for approval.

The sidewalks on this street were the whole winter not in a worse condition than those on which a brick pavement was made last year on South Meridian street, and any how a great deal better, than those which could or should be on the crossing of Madison Avenue, South and Meridian street. We are willing to repair with good gravel the sidewalk where it is necessary on this line at our expense, and we believe, everybody without prejudice will concede that this is sufficient to make the sidewalk as good for walking even in rainy days, as on any other street which is not a main passage.

We cannot see any reason for forcing us to make a pavement of brick, when there is not such a pavement on the west side of Meridian street between McNabb and South streets, which is frequented not much less than Washington street. Even a person with low heels could walk on our sidewalk without danger of stepping in the mud a short time after the heavy rain this week, because the ground is solid since the frost is over.

Persons who have leisure to walk around, searching for faults on every place, and talking of making improvements on other people's expenses, may perhaps not be satisfied when your honorable body would allow us to repair our sidewalks without running into heavy expenses, but those who have worked hard their life time to get fairly along in this world, will praise your honorable body when you would kindly decide against the presented ordinance.

Frederick Harting, Henry Harting, F. B. Ritchter,
and four others.

Which was referred to the Committee on Streets and Alleys.

Mr. Hardesty offered the following motion:

Moved, That the Street Commissioner be and is hereby directed to have the bowlders removed from Maryland street, between Meridian and Illinois sts., and the street between said points properly cleaned.

Which was adopted.

Also the following motion:

Moved, That the Street Commissioner be and is hereby directed to repair Louisiana street between Meridian and Illinois streets.

Which was adopted.

Mr. Kennington offered the following motion:

Moved, That the City Clerk be and is hereby instructed to notify the City

Commissioners to make an assessment of damages and benefits in the matter of opening and extending Morris street from its present western terminus to White River, in a width of sixty (60) feet, and report such assessment to this Council for approval; the Clerk is also instructed to give the requisite notice to property owners, as provided by the city charter.

Which was adopted.

Also the following motion :

Moved, That Henry Schnull have permission to pave with brick the sidewalk in front of the Mason House on Illinois street, said work to be done under the direction of the City Civil Engineer, who is hereby directed to set the grade stakes.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be directed to build two catch-basins on the corner of Ray and Union streets.

Which was adopted.

Mr. Pressly offered the following motion :

Moved, That the Street Commissioner be directed to put down a flag stone crossing on Dougherty street at the crossing of Virginia avenue.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be directed to put down flag stone crossing on Stevens street at the crossing of East street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be and is hereby directed to put Merrill

street in as good condition between East and Virginia avenue as it was before the sewer was built an said street.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be directed to put the sidewalk on Cady street between Georgia and Bates streets in a passable condition, it will only require a load or two of gravel.

Which was adopted.

Also the following motion :

Moved, That the Street Commissioner be directed to repair the holes on Washington street from East street to Pogue's Run by rebouldering the same.

Which was adopted.

Mr. Thalman offered the following motion :

Moved, That the Marshal notify the persons obstructing Walnut street and sidewalks between Mississippi street and the canal to remove the same within twenty days.

Which was adopted.

Also the following motion :

Moved, That the City Clerk advertise for proposals for an Iron bridge over the canal on West street.

Which was adopted.

Mr. Thalman presented the following remonstrance :

INDIANAPOLIS, April 1, 1873.

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

We, the undersigned property holders, on Patterson street, between North and Elizabeth streets, would hereby respectfully but earnestly remonstrate against the proposed grading and graveling of said street and sidewalks thereon, believing that

no immediate necessity exists for said improvement, and that the same is contrary to the wishes of a majority of the property holders on said street. All of which is respectfully submitted :

Caroline Bogert, John Hall, Ellen McOuat,
and two others.

Which was referred to the Committee on Streets and Alleys.

Mr. Thalman presented the following petition :

INDIANAPOLIS, April 7, 1873.

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

GENTLEMEN :—The undersigned, property holders, along the line and immediate vicinity of New York street, west of Blake, respectfully petition your honorable body to pass an ordinance providing for the construction of a wagon bridge across the Mill race, and the extension of New York street, parallel with Washington street, to the West bank of White River, giving it a width of —— feet.

Casper Mauss, John Harris, W. H. Gorham,
and twenty-four others.

Which was referred to the Committee on Bridges.

Also the following petition :

INDIANAPOLIS, April 7, 1873.

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

We, the undersigned, property owners on the north side of North street, between Indiana avenue and Blake street, respectfully petition your honorable body to pass an ordinance for paving with brick the sidewalk between the above named points.

C. H. Lintner and John Rowland.

Which was received.

Mr. Whitsit offered the following motion :

Moved, That Charles Otto be allowed to grade, pave and curb the sidewalk in front of his lot, being lot No. 8, in McIntire's addition, the same to be done under the direction of the Civil Engineer, and at his own expense.

Which was adopted.

Mr. Wiles presented the following petition :

INDIANAPOLIS, April, 7, 1873.

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

The undersigned petitioner, begs leave to represent that it is his desire and intention to erect, upon lot 2, in E. T. Fletcher's sub-division of E. T. and S. K. Fletcher's addition to the City of Indianapolis, said lot being situated on the north side of Home avenue, east of the Peru Railroad track, a kiln for the purpose of drying lumber by means of heat generated from steam conveyed through iron pipes,

He prays that he may be granted permission by your honorable body to erect and maintain a five-inch steam pipe encased in wooden boxing, across Home avenue from the saw mill of Samuel Fouts, on the south side of Home avenue directly opposite to the said drying kiln, at a distance of sixteen feet above the bed of said Home avenue, and at a height from the ground equal to that of the telegraph wires at the crossing of the Peru Railroad at the nearest corner. The said pipe is for the purpose of conducting the exhaust steam from the said mill across the street into the said drying kiln, and will not cause any inconvenience to any person, whomsoever. The petitioner verily believes that no property owner in the vicinity would object to the erection of said pipes.

Under the present system of the escape of the exhaust steam there is a puffing into the air at which horses are liable to be frightened, but if this pipe be erected the steam will escape into it, and this objectionable feature now existing in the working of machinery will be removed.

AUGUSTUS I. LYON.

Which was received, and prayer of petitioner granted.

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

OFFICE OF CITY CLERK, }
INDIANAPOLIS, April 7, 1873. }

To the Committee on Finance of the Common Council of the city of Indianapolis :

GENTLEMEN:—In accordance with instructions, I herewith present for your consideration a statement of the condition of the bonded debt of the city of Indianapolis, up to April 1, 1873:

I.—RAILROAD BONDS.

Issued to the Vincennes & Indianapolis R. R. Co., dated January 1st, 1869,	
payble twenty years from date of issue.....	\$60,000
Annual interest on same.....	3,600
Issued to the Junction Railroad Comyany, dated January 1st, 1869, paya-	
ble twenty years from date of issue.....	50,000

Annual interest on same.....	3,000
Issued to the Danville & Crawfordsville Railroad Company, dated January 1st, 1870, payable twenty years from date of issue	45,000
Annual interest on same.....	2,700

The above bonds all bear six per cent. interest per annum, payable annually, payable in Indianapolis.

II.—FIRE DEPARTMENT BONDS.

Bonds issued in favor of Silsby Manufacturing Co., in part payment for Steam Fire Engine, dated May 7, 1870, payable five years from date...	\$4,000
Annual interest on same.....	400

These bonds are made payable in Indianapolis, and draw ten per cent. interest, payable annually.

III.—TWO YEAR BONDS.

<i>Series "D," dated July 1st, 1871.....</i>	\$100,000
Payable two years from date, bearing 8 per cent. interest, payable semi-annually	
Of this issue, Woollen, Webb & Co. took.....	\$12,500
W. H. English, President First National Bank.....	12,500
W. H. Morrison, President Indiana Banking Co.....	75,000

These bonds, with \$4,000 interest, will be due July 1st, 1873.

<i>Series "E," dated September 1st, 1871.....</i>	\$100,000
Payable two years from date, bearing 8 per cent. interest, payable semi-annually.	
Woollen, Webb & Co. took of this issue.....	\$37,500
Wm. H. English, President First National Bank.....	37,500
Wm. H. Morrison, President Indiana Banking Co.....	25,000

These bonds, with \$4,000 interest, will be due September 1st, 1873.

<i>Series "F," dated July 1st, 1872.....</i>	\$100,000
Payable two years from date, bearing 8 per cent. interest, payable semi-annually.	
Woollen, Webb & Co. took of this issue.....	\$50,000
Wm. H. English, President First National Bank.....	50,000
The interest on this issue falls due as follows:	
January 1st, 1873, (which has been fully paid).....	\$4,000
July 1st, 1873.....	4,000
January 1st, 1874.....	4,000
July 1st, 1874.....	4,000

<i>Series "F," dated August 12th, 1872.....</i>	\$100,000
Payable two years from date, bearing 8 per cent. interest, payable semi-annually.	
Woollen, Webb & Co. took of this issue.....	\$50,000
Wm. H. English, President First National Bank.....	50,000
The interest on this issue falls due as follows:	
February 12, 1873, (which has been fully paid).....	\$4,000
August 12, 1873.....	4,000
February 12, 1874.....	4,000
August 12, 1874.....	4,000

Series "G," dated September 17th, 1872.....	\$100,000
Payable two years from date, with 8 per cent. interest, payable semi-annually.	
Woollen, Webb & Co. took of this issue.....	\$75,000
Joseph A. Moore & Co.....	25,000

The interest on this issue falls due as follows:

March 17, 1873, (which has been fully paid).....	\$4,000
September 17, 1873.....	4,000
March 17, 1874.....	4,000
September 17, 1874.....	4,000

Series "G," dated November 1st, 1872.....	\$100,000
Payable two years from date, bearing 8 per cent. interest, payable semi-annually.	
Woollen, Webb & Co. took of this issue.....	\$40,000
Jesse Hunt, President Eutaw Savings Bank, Baltimore, Md.....	50,000
Francis Burns.....	10,000

The interest on this issue falls due as follows:

May 1st, 1873.....	\$4,000
November 1st, 1873.....	4,000
May 1st, 1874.....	4,000
November 1st, 1874.....	4,000

All of the above and foregoing *Two Year Bonds*, with the interest on same, are made payable at the Banking House of Winslow, Lanier & Co., New York City.

Bonds were issued on the 1st day of January, 1872, in favor of Gamewell & Co., on account of Fire Alarm Telegraph, as follows:

Payable one year after date \$3,500, with 8 per cent. interest, fell due January 1st 1873, and was paid in full.

Bonds were issued to the amount of \$3,500, in favor of same parties, to run two years from date, bearing 8 per cent. interest, payable semi-annually.

The first and second installments of interest have been paid.

The third installment of interest, amounting to \$140, falls due July 1st, 1873 and the bonds, with \$140 interest, becomes due January 1st, 1874.

Bonds were issued to the amount of \$5,000, in favor of same parties, to run three (3) years from January 1st, 1872, bearing six (6) per cent. interest, payable semi-annually.

The first and second installments of interest on these bonds have been paid.

The third installment of interest, amounting to \$150, becomes due July 1st, 1873.

The fourth installment, amounting to \$150, becomes due January 1st, 1874.

The fifth installment, amounting to \$150, becomes due, July 1st, 1874.

And the bonds, with \$150 interest, becomes due January 1st, 1875.

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was received.

His Honor, the Mayor, offered the following motion :

Moved, That the Auction License heretofore granted to Simon Pinkerton, South Illinois street, be and the same is hereby revoked.

Which was adopted.

Also the following motion :

Moved, That contractors engaged in improving streets consult the comfort and convenience of the citizens by tearing up or obstructing not to exceed two squares at any one time.

Which was adopted, and the Civil Engineer instructed to prepare all specifications accordingly.

Also the following motion :

Moved, That the ordinance establishing hack and express wagon stands be made the special order for next regular meeting.

Which was adopted.

Also the following petition :

INDIANAPOLIS, April 5, 1873.

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

We, the undersigned, property owners and citizens doing business on South Illinois street, respectfully ask that the stand now occupied by hackmen and expressmen on said South Illinois street, be vacated by them and some other stand appointed in lieu thereof. This street having been lately improved travel has greatly increased, and this, with its occupancy by the street cars, so crowds the street that it should be relieved by the removal indicated above.

Wm. S. Hubbard, Egan, Treat & Egan, W. H. Roll, Mrs.
L. D. Smith, and 20 others.

Which was received.

Mr. Bigham offered the following motion :

Moved, That the City Street Commissioner is hereby directed to bowlder the alley crossings on North East street, from Washington to New York st.

Which was adopted.

Dr. Woodburn presented the following:

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

Total expenditures for the month.....	...\$1,306 68
Aggregate number of days for which Subsistence, etc., was furnished, 1893	
Average expense per capita per diem.....	...\$0 69.0

J. W. MARSEE, Superintendent.

Which was received.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

ATTEST:

JOHN R. CLINTON, City Clerk.