

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, April 14, 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, Cottrell, Craft, Gibson, Gimber,  
Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood,  
Thalman, Whitsit, Wiles and Woodburn—17.

Absent—Councilman Bollman—1.

Sealed proposals for paving with wooden block pavement Meridian street, from New York to Tinker street, were received,

opened, read and referred to the Committee on Contracts and Citizens Committee.

Sealed proposals for brick sewer in Second street, and for sundry improvements, were received, opened, read and referred to the Committee on Contracts.

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

INDIANAPOLIS, April 14, 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 grading and graveling the first alley north of Christian avenue, running from College avenue to the first alley west of College avenue, to John L. Hanna at 38 cents per lineal foot front on each side of the line improved.

SECOND.

For grading and paving with brick the south sidewalk on Michigan street, from Indiana avenue to Blackford street, to Henry C. Roney, at 61 cents per front foot for paving; flagging 55 cents per lineal foot run; bowldering the crossings 75 cents per superficial yard.

THIRD.

For grading and graveling Bates street and sidewalks, from Grant street to the old corporation line east, to Richard Carr at \$1.05 per lineal foot front on each side of the line improved.

FOURTH.

For grading and paving with brick the east sidewalk on New Jersey street, between South and Merrill streets, to Henry C. Roney at 62 cents per lineal foot front on the line improved.

FIFTH.

For grading and paving with brick the south sidewalk on North street, from West to Blackford street, to Henry C. Roney at 62 cents per lineal foot front for paving with brick; flagging 56 cents per lineal foot run; bowldering 75 cents per superficial yard.

## SIXTH.

For grading and graveling Beatty street and sidewalks, from McCarty to Buchanan street, to Richard Carr at \$1.20 cents per lineal foot front on each side of the line improved.

## SEVENTH.

Proposals were presented for grading and paving with brick the sidewalks on Liberty street, from Market to Ohio street, but in consequence of there being no provision in the ordinance authorizing the sidewalks to be curbed, and as the sidewalks can not be paved until an ordinance is passed to have the outside edges of the same curbed, we would recommend that action on said proposals be postponed for the present.

Respectfully submitted,

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

Which was concurred in.

Mr. Sherwood, from the Committee on Contracts, offered the following motion :

*Moved,* That Henry C. Cox be and is hereby appointed Superintendent of the wooden block pavement on North Delaware street, at a compensation of four dollars per day for each day actually served, he to be at all times under the directions of the City Civil Engineer.

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

Mr. Craft moved to amend by inserting the name of Joseph S. Boerum in place of Henry C. Cox.

The question being on the adoption of Mr. Craft's amendment the ayes and noes were demanded.

Those who voted in the affirmative were Councilmen Batty, Craft, Gibson, Kahn, Pressly, Reagan, Rush, Wiles and Woodburn—9.

Those who voted in the negative were Councilmen Bigham, Cottrell, Gimber, Hardesty, Kennington, Sherwood, Thalman and Whitsit—8.

So the amendment as offered by Mr. Craft was adopted.

The Board of Health submitted the following report:

INDIANAPOLIS, April 14, 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 14, 1873:

Under 1 year.....	3
From 1 to 2 years .....	0
From 2 and 5 years .....	1
From 5 to 10 years.....	1
From 10 to 15 years.....	4
From 15 to 20 years.....	1
From 20 to 25 years.....	1
From 25 to 30 years.....	3
From 30 to 40 years..	1
From 40 to 50 years..	3
From 50 to 60 years.....	4
From 60 to 70 years.....	3
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.....	26

Respectfully submitted,

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

W. WANDS, M. D., Secretary.

Which was received.

Also the following report:

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—At the last regular meeting of the Board of Health, the filthy condition of the alleys throughout the city came up for consideration, and the best method to compel citizens to clean the same.

The want of any system in the matter has resulted in many of them being depositories for all the filth and rubbish of the neighborhood, creating a stench that will produce disease. In order to place the city in good sanitary condition before the approach of warm weather, we suggest the following plan of operations:

The day policemen shall act as a corps of sanitary inspectors, who shall cause the abatement of any nuisance in their respective districts, and report the same at every night roll call to J. R. Shea, who shall act as General Inspector, making reports to the Board of Health. Thus you will see we can have an organized sanitary department without additional cost to the city and greater security to the public health. We hope the Chief of Police will receive proper instructions in the matter.

We also recommend that you prohibit the filling of lots or low grounds with surface dirt. If the practice is continued it will prove injurious to the public health.

The proper construction of privy vaults should have your immediate attention. The Board suggests that they be lined with brick and cement.

The Board have the pleasure to report that small-pox is not on the increase.

Yours respectfully,

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

W. WANDS, M. D., Secretary.

Which was concurred in, except the dirt clause, which was referred to the Committee on Streets and Alleys.

The City Clerk submitted the following report:

OFFICE OF CITY CLERK, }  
INDIANAPOLIS, April 14, 1873. }

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

The City Clerk respectfully reports to Council:

FIRST.

Contract and bond of Geo. W. Buchanan for grading the first alley west of Virginia avenue, running from Valley street to the first alley west of Virginia avenue.

SECOND.

Contract and bond of Geo. W. Buchanan for grading and graveling the first alley north of Merrill street, between the first alley east of East street and the first alley west of Virginia avenue.

THIRD.

Contract and bond of R. M. Reiner to build a 24-inch cement pipe sewer



in out-lot one hundred and one, to be a continuance of the sewer now in the said alley.

## FOURTH.

Contract and bond of R. M. Reiner to build an 18-inch cement pipe sewer in Potomac alley from Meridian street to Severn alley.

## FIFTH.

Contract and bond of Andrew Douglass for grading and paving with brick the west sidewalk on East street from Gregg to Cherry street.

## SIXTH.

Contract and bond of Andrew Douglass for grading and paving with brick the east sidewalk on Delaware street from Wyoming to Bicking street.

## SEVENTH.

Contract and bond of J. B. Smith for grading and paving with wooden block pavement and curbing the outside edges of the sidewalks with stone Tennessee street, from the north line of Indiana avenue to the north line of First street.

## EIGHTH.

Contract and bond of Hiram Seibert for grading, bowldering, curbing and flagging Delaware street from the south side of Pogue's Run to the south side of South street.

## NINTH.

Contract and bond of James Mahoney for graveling Grove street and sidewalks from Virginia avenue to Dillon street.

## TENTH.

Contract and bond of James Mahoney for grading and graveling the alley running from Harrison to Lord street.

## ELEVENTH.

Contract and bond of Michael Foust for grading and graveling the first alley west of New Jersey street, between Merrill and McCarty streets.

## TWELFTH.

Contract and bond of Michael Foust to grade and gravel the first alley west of Virginia avenue, running from McCarty street to the first alley north of McCarty street.

THIRTEENTH.

Contract and bond of Henry C. Roney for grading and paving with brick the sidewalks on Delaware street from St. Clair street to the south side of Tinker street.

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was received and the bonds approved.

The City Clerk submitted the following report :

OFFICE OF CITY CLERK, }  
INDIANAPOLIS, April 14, 1873. }

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

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

Thomas Wren vs. B. & R. Kiefer, for .....	\$4 64
“ “ vs. Lockey Gauhan, for .....	9 64
“ “ vs. Owen Burns, for .....	13 73
“ “ vs. “ “ “ .....	34 41
Patterson & Dunning vs. G. B. Morgan, for.....	16 25
“ “ vs. J. H. Rector, for.....	19 50

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

Respectfully submitted,

JOHN R. CLINTON, City Clerk.

Which was concurred in and precepts ordered to issue, except the affidavits of Thomas Wren, which were referred to the City Solicitor and City Attorney.

The City Solicitor made the following report:

INDIANAPOLIS, April 8, 1873.

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

GENTLEMEN:—In obedience to your order, I have prepared and herewith transmit the form of an ordinance prohibiting the exhibition of loathesome pictures.

Respectfully,

B. K. ELLIOTT, City Solicitor.

Which was received.

Also general ordinance No. 17, 1873, entitled:

An ordinance declaring it to be a nuisance to exhibit indecent, loathsome or disgusting prints, pictures or engravings.

Which was read the first time.

The City Solicitor made the following report :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—In obedience to your instructions, I herewith report form of an ordinance requiring the numbering of buildings.

Respectfully, B. K. ELLIOTT, City Solicitor.

Which was received.

Also general ordinance No. 18, 1873, entitled :

An ordinance requiring owners and occupants of houses and buildings to properly number the same.

Which was read the first time.

The City Solicitor and Committee on Railroads submitted the following report :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, to whom were referred the communication of Citizens' Street Railway Company, respectfully report:

That the grant of the right of way, which forms the contract between said company and the city, contains the following provisions:

"Sec. 3. The cars to be used on such tracks shall be operated with animal power only, and shall not connect with any other railway on which other power is used, and no railway car or carriage used upon any other railway in this State shall be used upon any of said tracks." (See Rev. Ordinances, 1869, p. 238.)

We deem it unwise to attempt to change, or to in any manner interfere with the operation of said ordinance, and therefore recommend that the prayer of the said Railway Company be not granted.

Respectfully,

L. Q. SHERWOOD,  
E. J. HARDESTY,  
ROBERT KENNINGTON,  
Com. on Railroads.

B. K. ELLIOTT, City Solicitor.

Which was concurred in.



ORDINANCES ON FIRST READING.

Mr. Gibson presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

The undersigned, property holders on the west side of West street, petition your honorable body to pass an ordinance to pave with brick the sidewalk a width of — feet from Indiana avenue to St. Clair street.

D. M. Marsh, W. H. Seiders, John F. Boehm, M. A. Hobbs, and 6 others.

Which was received.

Also special ordinance No. 90, 1873, entitled :

An ordinance to grade, curb with stone and pave with brick the west sidewalk of West street from Indiana avenue to St Clair street.

Which was read the first time.

Mr. Gibson presented the following petition :

INDIANAPOLIS, March 31, 1873.

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

The undersigned, property holders and persons doing business on West Washington street, Indianapolis, respectfully represent that the comfort, convenience and business facilities of the citizens in the western part of the city would be greatly increased by the laying of a pavement in front of the State House Square on Washington street; and we ask that the same be done at once by the city.

F. Stout & Son, E. C. Overman, Jacob Wachtstetter,  
David Coble, Robert George, and 45 others.

The undersigned State Officer concur in this petition, but not binding the State to any payments beyond legislative action hereafter.

THOS. A. HENDRICKS, Governor.

The undersigned, Auditor and Treasurer of State, ask that the within named improvement be made—the pavement to be made of brick.

JOHN B. GLOVER, Treas. of State,  
JAMES A. WILDMAN, Aud. of State.

Which was received.

Also special ordinance No. 91, 1873, entitled :

An ordinance to grade and pave with bricks the north sidewalk of Washington street from Tennessee to Mississippi street.

Which was read the first time.

Dr. Woodburn introduced special ordinance No. 92, 1873, entitled :

An ordinance to grade and pave with wooden block pavement Tennessee st. from the south side of Market street to the north side of Indiana avenue, and for widening and curbing the sidewalks thereof.

Which was read the first time.

Also special ordinance No. 93, 1873, entitled :

An ordinance to curb with stone the west sidewalk of Massachusetts avenue from Delaware to Alabama street, where not already curbed.

Which was read the first time.

Mr. Batty presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Morrison street, between Delaware and Alabama streets, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling and paving with brick the south sidewalk of Morrison street. Said street is the first street north of St. Mary's street, and is supposed to be fifty feet wide. And your petitioners will ever pray, &c.

Sam'l S. Merrified, Mrs. Sarah J. Harrison, J. H. Holli-  
day and John C. Burton.

Which was received.

Also special ordinance No. 94, 1873, entitled :

An ordinance to grade and pave with brick the south sidewalk on Morrison street from Delaware to Alabama street.

Which was read the first time.

Mr. Whitsit introduced general ordinance No. 19, 1873, entitled :

An ordinance to prevent boys from running about the streets or the city after night.

Which was read the first time and referred to the City Solicitor.

Mr. Reagan introduced special ordinance No. 95, 1873, entitled :

An ordinance to grade, pave with brick and curb with stone the west sidewalk of Tennessee street from Louisiana street to Kentucky avenue.

Which was read the first time.

Also special ordinance No. 96, 1873, entitled :

An ordinance to grade, pave with brick and curb with stone the west sidewalk of Tennessee street from Louisiana to Merrill street.

Which was read the first time.

Mr. Cottrell introduced special ordinance, No. 97, 1873, entitled :

An ordinance to repeal an ordinance entitled "An ordinance to grade and gravel Coburn street and sidewalks from East street to Madison avenue."

Which was read the first time and referred to the Committee on Streets and Alleys and City Solicitor.

Mr. Hardesty introduced special ordinance No. 98, 1873, entitled:

An ordinance to light with gas Chestnut street from Madison avenue to Morris street.

Which was read the first time.

Also special ordinance No. 99, 1873, entitled:

An ordinance to grade, gravel, curb and bowlder the gutters on South street from the east side of Illinois street to thirty feet east of the J. M. & I. R. R. Co.'s tracks.

Which was read the first time.

Also special ordinance No. 100, 1873, entitled:

An ordinance to grade and bowlder Pennsylvania street and curb the sidewalks thereof with stone, from Washington street to the south side of South street.

Which was read the first time.

On motion by Mr. Hardesty, special ordinance No. 72, 1873, entitled "An ordinance to grade, bowlder the gutters and gravel Pennsylvania street, between Washington and Georgia streets," was taken up and stricken from the files.

Mr. Gimber introduced special ordinance No. 101, 1873, entitled:

An ordinance to grade and pave the west sidewalk of Illinois street, between Ray street and Pogue's Run, and for repealing special ordinance No. 30, 1873.

Which was read the first time.

Mr. Hardesty presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on South Illinois street, between Pogue's Run and South street, respectfully petition your honorable body to pass an ordinance providing for the re-graveling with screened river gravel from South street to Pogue's Run. And your petitioners will ever pray, &c.

James Frank, Woodburn Sarven Wheel Co. and E. C.  
Atkins & Co.

Which was laid on the table.

Also special ordinance No. 102, 1873, entitled :

An ordinance to grade and gravel Illinois street from the south side of South street to Pogue's Run with screened river gravel.

Which was read the first time and laid on the table.

Also the following remonstrance :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on South Illinois street, between Pogue's Run and South street, respectfully remonstrate against the passage of an ordinance providing for the paving with the wooden block South Illinois street from South street to Pogue's Run. And your remonstrants will ever pray, &c.

James Frank, Woodburn Sarven Wheel Co. and E. C.  
Atkins & Co.

Which was laid on the table.

Mr. Thalman introduced special ordinance No. 103, 1873, entitled :

An ordinance to grade and pave with brick the east sidewalk on California street, between Indiana avenue and St. Clair street.

Which was read the first time.



Also special ordinance No. 104, 1873, entitled :

An ordinance to grade and gravel the first alley north of Indiana avenue between West and California streets.

Which was read the first time.

Also special ordinance No. 105, 1873, entitled :

An ordinance to grade and gravel the first alley west of West street, between St. Clair street and Indiana avenue.

Which was read the first time.

Also special ordinance No. 106, 1873, entitled :

An ordinance to grade, pave and curb the east sidewalk on Blackford street from Washington to New York street.

Which was read the first time.

On motion by Mr. Thalman, special ordinance No. 72, 1873, entitled "An ordinance to grade and pave with brick and Lefler paving stone the east sidewalk of Blackford street, between New York and Washington streets," was taken up and stricken from the files.

By consent, Mr. Thalman, from the Committee on Streets and Alleys submitted the following report :

INDIANAPOLIS, April 14, 1873.

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

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

First—Is an ordinance to establish stands for public licensed hacks, carriages, &c. We would recommend that the following locations be inserted in the ordinance :

On the east side of South Pennsylvania street.

On the east and west side of Virginia avenue.

On the north side of Washington street, between Mississippi and Tennessee streets, and between Delaware and Alabama streets.

On the east side of Kentucky avenue.

On the west side of Tennessee street, between Ohio and Washington sts.

On McNabb street.

On and around any of the Market Spaces, except on Delaware street.

On South Tennessee street, between Washington st. and Kentucky ave.

We are also informed that there is an ordinance in force by which the Union Depot authorities have power to designate certain stands to any particular party they choose, by which arrangement a few are favored to the detriment of others equally as worthy—this we think ought not be We would recommend that this ordinance be amended by sections 4 and 5 repealing that part of said ordinance, and granting equal rights to all.

We would also recommend that this ordinance require all hacks, wagons, &c., to stand parallel with the streets, and in single file.

Respectfully submitted,

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

Which was concurred in.

General ordinance No. 48, 1873, entitled :

An ordinance to establish public stands for licensed public hacks, carriages, express wagons, &c.

Was read the second time and amended as recommended by the Committee on Streets and Alleys.

On motion, the whole matter was referred to the City Solicitor.

ORDINANCES ON SECOND READING.

General ordinance No. 12, 1873, entitled :

An ordinance creating the office of Gas Superintendent, prescribing his duties and providing for his election, and prescribing certain regulations concerning the furnishing of gas and the lighting of lamps.

Was read the second time,

When Mr. Cottrell moved to amend by striking out "bienni-

ally," where it occurs in the first section, and insert "annually" in lieu thereof.

Which was adopted, and ordinance so amended.

Mr. Cottrell moved to further amend by striking out "Superintendent," where it occurs in the ordinance, and insert "Inspector."

Which was adopted, and the ordinance so amended.

Mr. Kennington moved to further amend by striking out the words "a reasonable time," where they occur in the 8th section, and insert in lieu thereof the words "three days."

Which was adopted, and the ordinance so amended.

Mr. Thalman moved to further amend section 12 of this ordinance by inserting "that the said Gas Inspector shall give bond and security in the sum of three thousand (3,000) dollars for the faithful performance of his duties."

Which was adopted, and the ordinance so amended.

The ordinance was then ordered engrossed.

Mr. Rush, from the Committee on Sewers, submitted the following report:

INDIANAPOLIS, April 14, 1873.

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

The undersigned, to whom was referred an ordinance for constructing a sewer in Washington street from the east side of Illinois street to Pogue's Run, submit an ordinance as a substitute for the same, and recommend its passage. We further recommend the adoption of the following motion.

F. P. RUSH,  
C. E. WHITSIT,  
DAVID GIBSON.

Com. on Sewers.

Which was concurred in.

Also the following motion :

*Moved*, That in advertising for proposals for building the Washington street sewer, the City Clerk is hereby directed to ask for proposals for building the same by tunneling as well as in the usual way by excavation from the surface. Also that he ask for proposals for payment in city bonds running ten years, with interest payable semi-annually at the rate of 8 per cent. per annum; also for payment in cash.

Which was adopted.

General ordinance No. 20, 1873, entitled :

An ordinance for constructing a public sewer in Washington street between the west side of Illinois street and Pogue's Run.

Was introduced by the Committee on Sewers as a substitute for an ordinance heretofore referred to said committee.

Which was read the first time.

General ordinance No. 13, 1873, entitled :

An ordinance relative to the furnishing of gas for the street and public lamps of the city of Indianapolis.

Was read the second time and ordered engrossed :

General ordinance No. 16, 1873, entitled :

An ordinance to prevent the running at large of cows in the city of Indianapolis.

Was read the second time and referred to the City Solicitor.

General ordinance No. 17, 1873, entitled :

An ordinance declaring it to be a nuisance to exhibit indecent, loathsome or disgusting prints, pictures or engravings.

Was read the second time and ordered engrossed.

General ordinance No. 18, 1873, entitled:

An ordinance requiring owners and occupants of houses and buildings to properly number the same.

Was read the second time and ordered engrossed.

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

INDIANAPOLIS, April 14, 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, report as follows:

1st—Is a petition, ordinance and remonstrance in regard to paving with wooden blocks North Tennessee street, between First and Twelfth streets. We find that the petitioners represent a majority of feet. We therefore recommend the passage of the ordinance.

2d—Is a motion to permit the testing of steam cars on Street Railroad. We recommend that permission be not granted.

3d—Is a motion to grant Victor Le Mair four months' time in putting down pavement in front of his property corner of West and Michigan streets. We recommend that no permission be given, as the contract has been awarded and is beyond our control.

4th—Is a remonstrance against paving Fletcher avenue from Cedar to Dillon street. It needs paving—we recommend the passage of the ordinance.

5th—Is a motion to allow Gotleab Berner to grade and gravel in front of his property on Peru street. We recommend against the same, as there has been an ordinance passed to do the work.

Respectfully submitted,

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

Which was concurred in.

Special ordinance No. 70, 1873, entitled:

An ordinance to grade and pave with wooden block pavement Tennessee street, and for paving with brick and curbing with stone the sidewalks thereof, between First street and the corporation line north.

Was read the second time,



When Dr. Woodburn moved to amend by inserting "that the street be paved to the width of 40 feet with wooden block pavement, and that the sidewalks be widened and graded to the width of 15 feet on either side, and 8 feet of the inner side of such sidewalks be paved with good, hard burnt bricks, underneath which bricks must be placed 8 inches of fine sand."

Which was adopted, and the ordinance so amended.

Dr. Woodburn moved to further amend by inserting the following:

After the words "Mt. Vernon," the words "That bids for such work shall be received as for two distinct and separate sections, the first of which sections shall be that part of said Tennessee street embraced within the south side of First street and the north side of Tinker or Seventh street, and the second section that part embraced within the north side of Tinker or Seventh street and the north side of the corporation line north."

Which was adopted, and the ordinance so amended.

The ordinance was then ordered engrossed.

Mr. Batty, from the Special Committee, submitted the following report:

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, appointed by motion of your Honorable body to prepare the papers in relation to the annexation of certain contiguous territory lying northwest of the city, beg leave to report that the notice required by law now ready, which is herewith presented with the recommendation that the same be signed by the Mayor and members of the Common Council and attested by the City Clerk, and published in accordance with the 85th section of the City Charter, on the first Monday of June, 1873, at which time it is proposed to present to the Board of Commissioners petition praying for said annexation.

Respectfully submitted.

JOHN H. BATTY,  
THOMAS COTTRELL,  
JOHN T. PRESSLY,  
Special Committee.

Legal notice of petition for the annexation of certain contiguous territory to the city of Indianapolis.

Notice is hereby given that the Common Council of the city of Indianapolis will present to the Board of Commissioners of Marion County, Indiana, at the meeting thereof to be held at the Court House in the said city, commencing on the first Monday in June, 1873, a petition praying for the annexation to the present corporate limits of the said city of Indianapolis of certain lands or territory contiguous thereto not laid off in lots, with the reasons for such annexation, which contiguous territory is described as follows, to-wit:

All the territory within the following described lines not laid off in lots nor included within the present corporate limits of said city of Indianapolis, to-wit: Beginning at the northeast corner of the southeast quarter of section 34, town 16, r. 3 east; thence west along the centre line of said section 34 to White River; thence down the river to the north line of the Indianapolis and Cincinnati Railroad Company's addition; thence along the present corporation line to the place of beginning.

Said contiguous territory proposed to be annexed within the lines above described, embracing the following tracts of land belonging to the several parties hereinafter named, as follows, to wit:

One tract belonging to the heirs of Gustavus Schuman, deceased, commencing at a point in the east line of section 34, town 16, range 3 east, six rods north of the southeast corner of said section 34; thence north  $63\frac{1}{2}$ , west 117 rods and 7 links to a point; thence west 49 rods and 2 links to White River; thence in a northwestern direction along White River to a point where the north line of the south half of said section 34 intersects White River; thence east along the north line of the south half of said section to the east line thereof; thence south to the place of beginning, containing 150 acres more or less.

One tract belonging to John E. Foudray, containing 18 acres more or less, commencing at a point in the south line of section 34, town 16, range 3 east, 91 rods and 19 links west of the southeast corner thereof: thence west 14 rods and 22 links; thence north 51 rods, west 64 rods and 8 links to White River; thence along White River 24 rods and 17 links; thence east 49 rods and 2 links to a point; thence south  $63\frac{1}{2}$  rods, east 9 rods and 17 links; thence south to the place of beginning.

One tract belonging to S. J. Patterson, containing  $11\frac{1}{4}$  acres more or less, commencing where the south line of section 34 intersects White River; thence east  $83\frac{1}{2}$  rods, thence north 51 rods, west 64 rods and 8 links to White River; thence down White River to the place of beginning.

One tract belonging to Wm. Y. Wily's heirs and Luther R. Martin, containing 22 acres more or less, as follows: Commencing at the southeast corner of section 34, town 16, range 3 east; thence north 150 chains; thence north  $63\frac{1}{2}$  rods, west 26.90 chains; thence south 16.50 chains; thence east to the place of beginning.

One tract belonging to Moritz Kaufman, containing 2 acres more or less, as

follows: All that part of the southwest quarter section 35, town 16, range 3 east, lying south of the Lafayette Gravel Road, and west of Fall Creek.

One tract belonging to S. J. Patterson, containing 91½ acres more or less, commencing at the northeast corner of section 3, town 15, range 3 east: thence west to White River; thence along the river to the north line of the Indianapolis and Cincinnati Railroad Company's addition; thence east along the north of said addition to the present corporate line; thence along the corporation line to the place of beginning.

Which was concurred in.

Also the following:

INDIANAPOLIS, April 14, 1873.

To the Honorable the Board of County Commissioners of Marion County, Ind.:

The Common Council of the city of Indianapolis respectfully petition your honorable body to annex to the city of Indianapolis the territory described in the annexed plats and exhibits, and in support of this petition submit the following:

That such annexation is desired by the persons owning property in the territory proposed to be annexed.

That it is essential to the welfare of said city.

That it will benefit both the city and the citizens.

That it will benefit the public.

In witness whereof the Common Council have caused the Mayor to sign this petition and the Clerk to countersign the same.

DANIEL MACAULEY, Mayor.

ATTEST:

JOHN R. CLINTON, City Clerk.

Also, the following resolution:

*Resolved*, That the petition herewith submitted be adopted as the petition of this Council, and that the plat and exhibits be made part thereof, and that the same shall be signed by the Mayor and countersigned by the Clerk.

*Resolved*, That when thus attested that the same together with the accompanying papers shall be by the City Solicitor presented to the Board of County Commissioners.

Which was adopted by the following vote:

Affirmative—Councilmen Batty, Bigham, Cottrell, Craft, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Whitsit, Wiles and Woodburn—17.

Negative—None.

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

Mr. Bigham offered the following motion :

*Moved,* That Heckman & Sheesley be and are hereby permitted to bowlder the width of ten feet on the east side of their Mill, and ten feet on the west side of the crossing of the sidewalk on the north-east corner of Noble and Washington streets, and the same be done under the direction of the Civil Engineer.

Which was adopted.

Also, the following motion :

*Moved,* That the Chief Fire Engineer with the Committee on Water Works be and is hereby directed to locate one or two fire plugs on Arsenal avenue, between Washington street and the Arsenal building.

Which was referred to the Committee on Water Works.

Also the following motion :

*Moved,* That the Committee on Streets and Alleys be authorized to buy a horse for the use of the Civil Engineer, provided said horse does not exceed in cost \$175.

Which was adopted.

On motion, the action of the Civil Engineer in selling his old horse for \$40 was approved.

Mr. Cottrell presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—You are all aware that the time is now passing away to buy cheap grounds for a city park. We must now take grounds where we can get them, it matters not whether it is north or south, east or west of the city. Let me say the Indianapolis Agricultural and Mechanical Association have now for sale the handsomest piece of ground, with timber and water, and one of the best drives in the West.



I pray you will appoint a committee for the purpose of buying the grounds and payable in our city bonds, say on or before twenty years, with interest.

Your obedient,

ANDREW WALLACE.

Which was referred to a special committee consisting of Councilmen Cottrell, Whitsit and Kennington.

Mr. Cottrell offered the following motion :

*Moved*, That the Committee on Gas Light be instructed to have the lamp-post at the north-west corner of Virginia avenue and South street properly relocated.

Which was adopted.

Also the following motion :

*Moved*, That the Police Committee be instructed to dispense with the further services of the Railroad Policemen.

Which was referred to the Board of Police.

Also the following remonstrance :

INDIANAPOLIS, April 10, 1873.

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

GENTLEMEN:—We, the undersigned, owners of the real estate fronting on Merrill street, between Delaware and East streets, respectfully remonstrate against the passage of an ordinance providing for the paving with brick the sidewalks of the above named street.

And your remonstrants will ever pray, &c

Peter Morback, Truman Way, R. S. Cotter, James Quin,  
L. Abbett, and 12 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Craft offered the following motion :

*Moved*, That Dr. P. H. Jameson be and is hereby granted permission to lay down a brick pavement in the alley on the south side of his residence in Square No 17, the same to be not more than three feet in width, and curbed



on the outside edge with stone, all to be done at his own expense, and under the direction of the Civil Engineer.

Which was adopted.

Also the following motion :

*Moved*, That the Street Commissioner put down stone crossings on Vermont street at the intersection of North New Jersey street; also on New Jersey street at the intersection of Vermont street.

Which was adopted.

Mr. Craft presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

The undersigned would respectfully ask the permit or privilege to put vaults under the sidewalk on the Meridian and Washington street fronts of his lot No. 1, Square No. 66.

WM. S. HUBBARD.

Which was received and prayer granted.

Mr. Gibson offered the following motion :

*Moved*, That the School Trustees be and are hereby granted permission to curb with stone the sidewalk on Pennsylvania street in front of the lot or lots on which the City High School building stands. Also to curb with stone the sidewalk and bowlder the gutter in front of the same property on Michigan street—said work to be done under the direction of the City Civil Engineer, who is hereby directed to furnish specifications and set the grade stakes for said work.

Which was adopted.

Mr. Gimber offered the following motion :

*Moved*, That the Street Commissioner be and is hereby instructed to repair the west sidewalk on Illinois street from Louisiana street to the first alley north of Louisiana street.

Which was adopted.

Also the following motion :

*Moved*, That D. Muzzman be allowed the privilege of grading the alley at his property.

Which was referred to the Committee on Streets and Alleys.

Mr. Hardesty presented the following petition :

INDIANAPOLIS, April 12, 1873.

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

GENTLEMEN:—We, the undersigned, do hereby respectfully petition your honorable body to grant us permission to build a three ton scale at the outer edge of the gutter in front of our Foundry and Machine Shop, located in Nos. 240, 242, 244 and 246, South Pennsylvania street.

Very respectfully,

BERNER, ENGLISH & OVER.

Which was received.

Also the following motion :

*Moved*, That Messrs. Berner, English & Over have permission to build a three-ton scale at the outer edge of the sidewalk in front of their Foundry at Nos. 240, 242, 244 and 246, South Pennsylvania street.

Which was adopted.

Also the following motion :

*Moved*. That hereafter the workmen employed by the Street Commissioner in the service of the city, shall be equally distributed throughout the various wards, placing and working in each ward an equal number of workmen. The persons so employed to do such work as may be required of them in the ward in which they are located, and all work to be done under the supervision of the Street Commissioner.

Which was adopted.

Mr. Kahn offered the following motion :

*Moved*, That the Chief of Police be instructed to carry out the law in regard to crowds standing on street corners.

Which was adopted.

Mr. Kahn moved that next Monday night ordinances on second and third reading be made a special order of business.

Which was adopted.

Also, the following motion :

*Moved,* That the Water Works and Gas Companies be and are hereby ordered to put the streets and sidewalks in proper condition where they have laid down their pipes, and on their failure to do so within three weeks from this date, that the Street Commissioner is ordered to do the work and charge the same to the said companies, and the amount shall be deducted from any monies becoming due from the city.

Which was adopted.

Mr. Kennington presented the following remonstrance :

INDIANAPOLIS, April 14, 1873.

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

We, the undersigned, property owners on the west side of Union street, between Merrill and Hanaway streets, respectfully remonstrate against curbing the sidewalk on same with stone, for the reason that we do not feel able to pay for such curbing.

John Hillman, Wm. Engelking, Henry Harding, F. M. Fulton, and 28 others.

Which was received.

Also the following motion :

*Moved,* That the Chief of Police direct the Police of the Sixth Ward to notify Doc. Allen to clean the alley running north and east from Chesapeake street to Georgia street.

Which was adopted.

Mr. Pressly offered the following motion :

*Moved,* That the Street Commissioner be and is hereby instructed to clean the gutters on East Georgia street, between East and Noble streets.

Which was adopted.

Also the following motion :

*Moved*, That the Street Commissioner be instructed to at once proceed to lay down the stone crossings that were ordered by this Council to be laid across the streets and alleys on Fletcher avenue. (Said order was given 8 months since.)

Which was adopted, including all other crossings that have been ordered.

Mr. Rush offered the following motion :

*Moved*, That the City Clerk, or any other man if you choose, is hereby directed to have painted two signs (No Feeding Allowed), and said signs be placed on Court street, between Liberty and Noble streets.

Which was adopted.

Mr. Sherwood presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

We, the undersigned, property holders on North Tennessee street, would respectfully petition your honorable body to appoint David Geyer to superintend the laying of block pavement on said street.

L. Abbett, Jno. H. Farquhar, J. H. Ross, A. G. Porter,  
H. C. Newcomb, and 36 others.

Which was received.

Also the following motion :

*Moved*, That David Geyer be appointed Superintendent of the block pavement from Indiana avenue to First street, at the price of \$4 00 per day for the time employed, under the direction of the Civil Engineer.

Which was adopted.

Mr. Thalman offered the following motion :

*Moved*, That Mr. Reisner have permission to move a frame house across Blake street.

Which was adopted.



Also the following motion :

*Moved*, That the Committee on Tunnels be directed to provide for closing the sidewalks in the Tunnel after 7 o'clock P. M., and for opening the same at 7 o'clock A. M.

Which was laid on the table.

Also, the following resolution :

*Resolved*, That the owners of the following described real estate, to-wit Lot No. 35 out-lot No. 161 of the city of Indianapolis be, and they are hereby required to fill or drain the same, as, in the opinion of this Council there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to become a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be and he is hereby required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled, "An ordinance providing for the drainage and filling up of ponds, excavations and holes and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance: *Provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

Which was adopted by the following vote :

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

Negative—None.

Mr. Wiles offered the following motion :

*Moved*, That property holders on the line of the Block Pavement on North Delaware street, above St. Clair, be notified to make all gas and water connections before the first day of May.

Which was adopted.



Mr. Wiles presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—I would respectfully state to your honorable body, that on the 27th day of May, 1872; I entered into a contract with you for grading and paving with brick the east sidewalk on Meridian street from St. Joseph First street. An order had been previously made by the Council widening the sidewalks on said street, and the property-holders refused to comply with said order, and in consequence I could not comply with my agreement to complete the contract so entered into by the first day of September, 1872. Some of the property holders have not yet complied with the order from the Council to set back their fences. I would respectfully ask you to declare the said contract between myself and the Common Council null and void, for the reason that your City Solicitor has decided that unless a contract is completed by the time specified in the contract the same is null and void, and the person doing the work can not recover for any work done. I would have complied with the contract entered into, and finished the same before the time designated in the contract, had the property holders complied with your order and set their fences back as directed.

Respectfully submitted,

HENRY C. RONEY, Contractor.

Which was received, and such contract rescinded.

Also the following motion :

*Moved,* That the City Clerk be directed to re-advertise for proposals for grading and paving with brick the sidewalk on the east side of Meridian street from St. Joseph to First street; and the contract heretofore entered into with Henry C. Roney and the Common Council be declared forfeited, as the said property holders on the line to be improved refused to obey the order of the Council to set back their fences as directed by this Council, and that the said Henry C. Roney is hereby released from the provisions of the contract entered into on the 3d day of June, 1872.

Which was adopted.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—We the undersigned, a firm doing business in the corporation aforesaid, would humbly petition, in view of the burning of our factory in

May, 1872, and July, 1872, whereby, with the unavoidable delays attached thereto, we suffered large losses, both directly and indirectly, above the amount of our insurance, that your honorable body would rescind our taxes for the year 1872: the amount of said taxes being about one hundred and fifty dollars.

Very respectfully yours,

HIGGINS & RYAN.

Which was referred to the City Solicitor.

Dr. Woodburn, from the Committee on Judiciary, submitted the following report:

INDIANAPOLIS, April 14, 1873.

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

GENTLEMEN:—The undersigned, to whom was referred the communication of John R. Eider, Esq., President of Water Works Company, respectfully report—

That it would be proper and expedient to instruct the Solicitor not to aid in prosecuting the indictment pending in the Criminal Court against the Directors of said Water Works Company for a nuisance. That if the Company shall, as the undersigned believe they will, do what is promised in said communication the nuisance will be abated.

In directing the Solicitor to withdraw from such prosecution, it is to be distinctly understood that the city does not in any wise concede the right of said Company in the said Missouri street; but that the city affirms, as she has ever done, that the said Company has no legal right whatever in or to the said Missouri street.

The undersigned further report that there is in force a sufficient and proper ordinance providing against depositing filth in the canal. Attention is called to section 19, page 156, Revised Ordinances of 1869.

Respectfully,

J. H. WOODBURN,

J. H. BATTY,

THOMAS COTTRELL,

Com. on Judiciary.

B. K. ELLIOTT, City Solicitor.

Which was concurred in.

His Honor, the Mayor, offered the following motion:

*Moved*, That the Committee on Revision of Ordinances and City Solicitor

consider the propriety of publishing a new revision of our City Ordinances<sup>7</sup> and report thereon to this Council.

Which was adopted.

Also the following motion :

*Moved*, That the City Solicitor report back the ordinance prohibiting the running at large of cattle within the city limits, at the next regular meeting, and that he include proper provisions for impounding such animals when found at large in violation of the ordinance.

Which was adopted.

Also the following motion :

*Moved*,—As a suggestion—That on unimportant motions in this Council, the "main question" should be voted on sooner than is the custom, and much more business will be transacted.

Which was adopted.

By unanimous consent, the rules were suspended for the purpose of taking up and passing the following ordinance :

Special ordinance No. 70, 1873, entitled :

An ordinance to grade and pave with wooden block pavement Tennessee st., and for widening and grading the sidewalks and curbing the same, between First street and the corporation line north.

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

Affirmative—Councilmen Bigham, Cottrell, Gibson, Gimber, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Sherwood, Thalman, Wiles and Woodburn—15.

Negative—None.

Mr. Kahn moved to reconsider the appointment of Mr. D. Gey-

er as Superintendent of the laying the Tennessee street pavement between Indiana avenue and First street.

On motion the Council adjourned.

DANIEL MACAULEY, Mayor.

**ATTEST :**

JOHN R. CLINTON, City Clerk.