

PROCEEDINGS  
OF THE  
COMMON COUNCIL.

---

REGULAR SESSION.

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CHAMBER OF THE COMMON COUNCIL OF THE }  
CITY OF INDIANAPOLIS, }  
*Monday, May 19, 1873, 7½ o'clock, P. M.* }

The Common Council met in regular session.

Present—His Honor, the Mayor, Jas. L. Mitchell, in the chair,  
and the following members:

Councilmen Adams, Anderson, Bigham, Bollman, Brown, Craft,  
Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush,  
Shepherd, Sherwood, Thalman, Ward and Woodburn—18.

Absent—None.

The proceedings of the regular session, held May 12th, 1873,  
were read and approved.

Sealed proposals for 2,000 feet of hose for Fire Department were received, opened, read and referred to the Committee on Fire Department.

Sealed proposals for improving sundry streets, alleys, etc., were received, opened, read and referred to the Committee on Contracts.

By consent, Dr. Woodburn offered the following resolution :

*Resolved*, That the following named persons be appointed Inspectors and Judges of the election to be held in the 10th, 11th, 12th and 13th Wards on the 23d day of May, 1873:

10th Ward—Inspector, David Powell—Judges, E. M. Wilmington and Wm. V. Hawk.

11th Ward—Inspector, Daniel Yandes, Jr.—Judges, Jas. Tarlton and Flem. Jones.

12th Ward—Inspector, S. B. Morris—Judges, Michael Huffman and H. Langenberg.

13th Ward—Inspector, J. George Stilz—Judges, E. R. McDougal and C. E. Whitsit.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Bigham, Bollman, Brown, Craft, Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Shepherd, Sherwood, Thalman, Ward and Woodburn—17.

Negative—None.

Mr. Kahn, from the Committee on Contracts, submitted the following report :

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—Your Committee on Contracts to whom was referred sundry proposals for the improvement of certain streets, alleys and sidewalks, have examined the same, and find them to be as follows, to-wit:

#### FIRST.

For grading and paving with brick the east sidewalk on Tennessee street from Merrill to Maryland street, the following proposals were presented :

Bernard Hamill 67 cents per lineal foot front for paving, flag stone crossings 60 cents per lineal foot run single row, bowldering 75 cents per superficial yard.

Joseph Kruger 72 cents per lineal foot front for paving; flagging and bowldering \$1.82 cents per foot run.

Henry C. Roney 67 cents per lineal foot front for paving; flag stone crossings 58 cents per lineal foot run, single row; bowldering per superficial yard 75 cents.

John Schier 65 cents per lineal foot run for the paving; flagging 62 cents per lineal foot run, single row; bowldering 72 cents per superficial yard.

R. M. Riner 79 cents per lineal foot run for the paving; flagging 62 cents per lineal foot run, single row; bowldering 85 cents per superficial yard.

James W. Hudson 65 cents per lineal foot run for the paving; flagging 60 cents per lineal foot run, single row; bowldering 70 cents per superficial yard.

James W. Hudson being the lowest and best bidder, we would recommend that he be awarded the contract.

#### SECOND.

For grading and graveling Downey street and sidewalks from Japan street to the Madison Road, the following proposals were presented:

James Mahoney \$1.70 cents per lineal foot front on each side of the line improved.

Hiram Seibert \$1.40 cents per lineal foot front on each side of the line improved.

Hiram Seibert being the lowest and best bidder, we would recommend that he be awarded the contract.

#### THIRD.

For grading and graveling Dunlop street and sidewalks from Japan street to the Madison Road, the following proposals were presented:

James Mahoney \$1.70 cents per lineal foot front on each side of the line improved.

Hiram Seibert \$1.68 cents per lineal foot front on each side of the line improved.

Hiram Seibert being the lowest and best bidder we would recommend that he be awarded the contract.

#### FOURTH.

For grading and graveling Archer street and sidewalks from Michigan st. to Clifford avenue, the following proposals were presented:

James Mahoney \$1.20 cents per lineal foot front on each side of the line improved.

Hiram Seibert \$1.10 cents per lineal foot front on each side of the line improved.

John Green \$1.09 cents per lineal foot front on each side of the line improved.

John L. Hanna \$1.05 cents per lineal foot front on each side of the line improved from St. Clair street to Clifford avenue, and from St. Clair street to Michigan street for the sum of \$1.00.

John L. Hanna being the lowest and best bidder we would recommend that he be awarded the contract.

#### FIFTH.

For grading and paving with brick and curbing the outside edges with stone the south sidewalk on Maryland street, from Virginia avenue to Alabama st. the following proposals were presented:

Bernard Hamill \$1.93 cents per lineal foot front on the line improved.

Joseph Kruger \$1.20 cents per lineal foot for paving, and 60 cents per lineal foot for curbing.

Henry C. Roney \$1.12 cents per lineal foot for paving, and 58 cents for curbing.

John Schier \$1 03 cents per lineal foot front for paving, and 66 cents for curbing.

John Schier being the lowest and best bidder, we would recommend that he be awarded the contract.

#### SIXTH.

For grading, paving, curbing, flagging and bowldering the crossings of the sidewalks on Merrill street, from Alabama to East street, the following proposals were presented:

Samuel Lefever, paving 43 cents per lineal foot front on each side; curbing 60 cents per lineal foot front on each side; flagging 55 cents per lineal foot run, single row; bowldering 75 cents per superficial yard.

Joseph Kruger, paving 72 cents per lineal foot front on each side; curbing 60 cents per lineal foot front on each side; bowldering and flagging crossings \$1.82 cents per lineal foot run.

Henry C. Roney, paving 50 cents per lineal foot front on each side; curbing 58 cents per lineal foot front on each side; flagging 55 cents per lineal foot run, single row; bowldering 75 cents per superficial yard.

John Schier, paving 55 cents per lineal foot front on each side of the line improved; curbing 62 cents per lineal foot front on each side of the line improved; flagging 61 cents per lineal foot run, single row; bowldering 72 cts. per superficial yard.

Bernard Hamill, \$1 43 cents per lineal foot front on said sidewalks for pav.



ing and curbing, and flag the crossings of streets and alleys for 60 cents per lineal foot, single row.

Samuel Lefever being the lowest and best bidder, we would recommend that he be awarded the contract.

#### SEVENTH.

For grading and paving with brick the west sidewalk on Russell avenue from Illinois to Meridian street, where not already paved, the following proposals were presented:

Bernard Hamill 75 cents per lineal foot front for paving—no bid being made for flag stone crossings or bowldering the same.

Henry C. Roney 68 cents per lineal foot front for paving; flag stone crossings 58 cents per lineal foot run, single row; bowldering 75 cents per superficial yard.

James W. Hudson 66 cents per lineal foot front for paving; flagging 60 cts. per lineal foot run, single row; bowldering 70 cents per superficial yard.

James W. Hudson being the lowest and best bidder, we would recommend that he be awarded the contract.

#### EIGHTH.

For grading and graveling Patterson street and sidewalks from Vermont to North street, the following proposals were presented:

John Green \$1.25 cents per lineal foot front on each side of the line improved.

James Mahoney \$1.25 cents per lineal foot front on each side of the line improved.

Patterson & Dunning 95 cents per lineal foot front on each side of the line improved.

Patterson & Dunning being the lowest and best bidders, we would recommend that they be awarded the contract.

#### NINTH.

For grading and paving with brick the north sidewalk on North street from Indiana avenue to Blake street, the following proposals were presented:

Joseph Kruger, paving 64 cents per lineal foot front; bowldering and flagging crossings \$1.82 cents per lineal foot run.

Bernard Hamill, paving 64 cents per lineal foot front—no bid made for flagging or bowldering crossings.

James Mahoney, paving 65 cents per lineal foot front—no bid made for flagging or bowldering crossings.

Henry C. Roney, paving 62 cents per lineal foot front; flagging 58 per lineal foot run, single row; bowldering 75 cents per superficial yard.

Henry C. Roney being the lowest and best bidder, we would recommend that he be awarded the contract.

#### TENTH.

For grading and graveling California street and sidewalks from Washington to Market street, the following proposals were presented:

John L. Hanna 90 cents per lineal foot front on each side of the line improved.

John Green 87 cts. per lineal foot front on each side of the line improved.

James Mahoney 80 cents per lineal foot front on each side of the line improved.

Patterson & Dunning 73 cents per lineal foot front on each side of the line improved.

Patterson & Dunning being the lowest and best bidders, we would recommend that they be awarded the contract.

#### ELEVENTH.

For grading and bowldering the alley running north and south from the first alley north of Washington to Ohio st., running north and south through squares 54 and 47, the following proposals were presented:

James Mahoney 72 cents per lineal foot front on each side of the line improved.

James W. Hudson 72 cents per lineal foot front on each side of the line improved. We would recommend that James W. Hudson be awarded the contract.

#### TWELFTH.

For grading and paving with brick the south sidewalk on South street from East to West street, the following proposals were presented:

R. M. Riner, paving 76 cents per lineal foot front; flagging 75 cents per lineal foot run single row; bowldering 85 cents per superficial yard.

James W. Hudson, paving 65 cents per lineal foot front; flagging 60 cents per lineal foot run, single row; bowldering 68 cents per superficial yard.

Bernard Hamill, paving 72 cents per lineal foot front—no bid made for flagging or bowldering the crossings.

Henry C. Roney, paving 67 cents per lineal foot front; flagging 58 cts. per lineal foot run, single row; bowldering 75 cents per superficial yard.

Samuel Lefever, paving 63 cents per lineal foot front; flagging 55 cts. per superficial yard, single row; bowldering 75 cents per superficial yard.

Samuel Lefever being the lowest and best bidder, we would recommend that he be awarded the contract.

Respectfully submitted,

LEON KAHN.

W. H. CRAFT,

Com. on Contracts.

Which was concurred in and the contracts awarded, except the 2d paragraph, which was referred to the Committee on Streets and Alleys, and the 6th paragraph, which was laid over until such time as the Committee on Streets and Alleys submit a report on the subject.

Mr. Brown presented the following petition :

INDIANAPOLIS, May 15, 1873.

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

GENTLEMEN:—The undersigned, citizens residing on Dunlap, Downey and Wallace streets, very respectfully lay this petition before your honorable body, on subject of grading said streets, to your consideration. According to the resolution passed by the Council, contract was given to gravel for said streets at \$1.65 per foot, while Yeiser street only cost 77 cents per foot. Undersigned residents are perfectly satisfied if these streets get fixed with river gravel, the same material used on Yeiser street, for these reasons, first, said streets are not settled yet, and, second, the taxes for such improvement are too heavy for us on account, as most of the property holders are laboring men; therefore, we very respectfully beg your honorable body to decide in our favor.

Your obedient servants,

Peter Balz, Aug. Beiser, C. Doenges, J. Peel,  
H. Engass, and 17 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Kahn, from the Committee on Contracts, submitted the following report :

INDIANAPOLIS, May 12, 1873.

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

GENTLEMEN:—Your Committee on Contracts, to whom was referred the proposals for the improvement of College avenue from Seventh to Tinker street, have examined the same, and find that John A. McGrew is the low-



est bidder, his bid being \$1.54 per square yard, and in case the said contractor fails to file his bond that the contract be awarded to the next lowest bidder.

Respectfully submitted,

LEON KAHN,  
W. H. CRAFT.

Committee on Contracts.

Which was concurred in and the contract awarded.

Mr. Kahn presented the following report from the Citizens Committee:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—The Citizens' Committee, who were appointed in conjunction with your Committee on Contracts, and to whom were referred the proposals for the improvement of College avenue from Seventh to Tinker street, have examined the same and find them to be as follows, to-wit, for the non-descript pavement No. 3, which we prefer as our choice:

John A. Whitsit, \$1.60 per superficial yard.

James B. Smith, \$1.64 per superficial yard.

Jesse S. Whitsit, \$1.57 per superficial yard.

John F. McGrew, \$1 54 per superficial yard.

John F. McGrew being the lowest and best bidder, we would recommend that he be awarded the contract, and in case he should fail to file his bond by the next meeting of the Council, that the contract be awarded to the next lowest bidder.

Respectfully submitted,

J. H. RUDELL,  
A. C. SHORTRIDGE,  
J. J. W. BILLINGSLEY,  
ISAIAH HORNADAY,  
Citizens' Committee.

Which was concurred in.

Mr. Kahn, from the Committee on Contracts, submitted the following report:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—Your Committee on Contracts would respectfully suggest to your honorable body that hereafter when it is proposed to improve any street



or alley with wooden block pavement, that the kind of pavement desired shall be set forth in the ordinance when introduced in the Common Council; and if property holders on the line to be improved desire an Inspector to be appointed to superintend the laying of the said pavement, that the cost of the same be charged to the property on the line proposed to be improved. Your committee believe this would be the most equitable way to have the said work done, and but simple justice to property holders on all other improvements made in the same manner.

LEON KAHN,  
W. H. CRAFT,  
Committee on Contracts.

Which was concurred in.

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

Which was concurred in.

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—Your late Committee on Contracts, to whom was referred sundry proposals for the improvement of certain streets, reported that James Mahoney was the lowest bidder for grading and graveling the first alley north-west of Cedar street, between Fletcher and Forest avenues, at thirty-five cents per lineal foot front on each side of the line improved. There was one other proposal presented by P. B. Stokes at fifty cents per foot front, which he claims was made by him to be twenty-five cents per lineal foot front on each side of the line improved. If such is the fact, we would recommend that he be awarded the contract in place of Mahoney, on condition that the said Stokes change his proposal to conform to the statement made that he will do the said work for the price named. The proposal submitted by the said Stokes is herewith submitted for your inspection, in order to show that your committee could not construe said bid to mean any thing else but as your committee reported.

Respectfully submitted,

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

Which was received.

## REPORTS FROM CITY OFFICERS.

The City Clerk submitted the following report:

OFFICE OF CITY CLERK,  
INDIANAPOLIS, May 19, 1873. }

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

GENTLEMEN:—The City Clerk respectfully reports the official bonds of the following city officers elect, who have otherwise qualified according to the provisions of the charter, by filing with me their certificates of election and oath of office, to-wit:

Thomas Wiles, Street Commissioner, giving as security John J. Gates and N. H. Lowe, penalty of bond, \$2,000; Prof. R. T. Brown, City Gas Inspector, giving as security Wm. Buschmann and J. M. Tilford, penalty of bond, \$3,000; John Unversaw, Market Master, giving as security T. M. Stevens, penalty of bond, \$1,500; Samuel B. Morris, City Sealer of Weights and Measures, giving as security Chas. H. Schwomeyer, penalty of bond, \$1,500; Chas. Richman, Chief Fire Engineer, giving as security F. Ritzinger, penalty of bond, \$1,500; B. K. Elliott, City Attorney, giving as security S. A. Fletcher, Sr., penalty of bond, \$1,500.

Respectfully Submitted,

JOHN R. CLINTON, City Clerk.

Which was received and the bonds approved by the following vote:

Affirmative—Councilmen Adams, Bigham, Bollman, Brown, Craft, Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Shepherd, Sherwood, Thalman, Ward and Woodburn—17.

Negative—None.

The City Clerk submitted the following report:

OFFICE OF CITY CLERK,  
INDIANAPOLIS, May 19, 1873. }

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

GENTLEMEN:—The City Clerk respectfully reports:

FIRST.

Contract and bond of Henry C. Roney, for building two cisterns, one at the corner of Ohio and Harvey streets, and one at the corner of Georgia and West streets.

SECOND.

Contract and bond of Michael Foust, for grading and graveling Coburn street and sidewalks, from Wright to Short streets.

THIRD.

Contract and bond of Samuel Lefever, for grading, paving and curbing the sidewalks on Oriental street, from Washington street to the Michigan road.

FOURTH.

Contract and bond of H. Seibert, for grading and graveling Spann avenue and sidewalks, from Dillon to Linden streets.

FIFTH.

Contract and bond of H. Seibert, for grading and graveling Fletcher avenue and sidewalks, from Dillon to Linden streets.

SIXTH.

Contract and bond of H. Seibert, for grading and graveling Hoyt avenue and sidewalks, from Dillon to Linden streets.

SEVENTH.

Contract and bond of S. J. Smock, for grading and paving the east sidewalk of Illinois street, from Washington to South streets.

Respectfully submitted,

JOHN R. CLINTON, City Clerk.

Which was received and the bonds approved.

The City Sewer Engineer submitted the following report:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—A contract was made with R. M. Riner to build a sewer in Poto-mac alley, between Meridian and Illinois streets. On inquiry I find that several brick houses on the line of the alley have no cellars, that the foundations are defective, and the walls already badly cracked. If the sewer is built according to the contract there would be danger of portions of these houses falling, and it would be necessary to incur the additional expense of leaving in all the sheeting and braces opposite the houses. I have stopped the work, and am waiting for further orders.

Respectfully yours,

J. W. BROWN, Sewer Engineer.

Which was referred to the Committee on Sewers.

Also, the following report :

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—I respectfully submit the following estimate of the cost of grading and graveling the road at the south end of the Sellers farm :

Excavation, 1740 yards at 20 cents.....	\$348 00
Embankment, 1170 yards at 20 cents... ..	234 00
Gravel, 550 yards at 80 cents.....	440 00
	<hr/>
	\$1,022 00

Respectfully submitted,

J. W. BROWN.

Sewer Engineer.

Which was received.

Also, the following report :

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—The following is the first and final estimate allowed R. M. Riner on account of the sewer in the alley near Stevens street, in out lot 101 :

One hundred and forty-four and one-half feet of sewer at \$2.35....	\$339 57
One manhole.....	34 00
Three catch-basins, in Stevens street, \$99.00 each.....	297 00
One catch-basin in alley between Stevens and Merrill streets.....	100 00
Altering catch basin near Merrill street made necessary by the extension of the sewer.....	84 00
Two catch-basins in Valley street.....	200 00
	<hr/>
	\$1,054 57

Respectfully submitted,

J. W. BROWN, Sewer Engineer.

Which was concurred in.

Mr. Gibson moved that the City Clerk advertise, one week, for proposals for improving the road on the Sellers' Farm.

Which was adopted.



The Market Master submitted the following report:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—I would respectfully report to your honorable body that I have received, on account of stall and bench rent in the market houses, for the year ending May 15th, 1873, the sum of \$1,189.75, as per receipts of the City Treasurer now on file.

Respectfully submitted,  
JOHN UNVERSAW, Market Master.

Which was concurred in.

The Board of Health submitted the following report:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—The Board of Health would respectfully submit the following weekly mortality report for the week ending 19th of May, 1873:

Under 1 year.....	4
From 1 to 2 years.....	0
From 2 to 5 years.....	1
From 5 to 10 years.....	0
From 10 to 15 years.....	0
From 15 to 20 years.....	1
From 20 to 25 years....	3
From 25 to 30 years.....	1
From 30 to 40 years.....	3
From 40 to 50 years.....	3
From 50 to 60 years....	1
From 60 to 70 years.....	0
From 70 to 80 years.....	0
From 80 to 90 years.....	0
From 90 to 100 years.....	0
100 and upwards.....	0
Unknown.....	0
Total .....	17

Respectfully submitted,

S. A. ELBERT, M. D., President.

W. WANDS, M. D., Secretary.

Which was received.

The City Treasurer presented the following:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—Believing that the city is entitled to all interest that may be received upon funds paid into the treasury and deposited by the Treasurer, I propose to account for and pay over to the city all interest that I may receive upon funds of the city, deposited by me as City Treasurer. It is my earnest desire that during my official term the utmost harmony may exist between the Common Council and myself.

I would respectfully suggest that a provision requiring the Treasurer to account for the interest be inserted in the proper ordinance.

Respectfully submitted,

HENRY W. TUTEWILER, City Treasurer.

Which was received.

#### ORDINANCES ON FIRST READING.

Mr. Brown introduced special ordinance, No. 137, 1873, entitled:

An ordinance to light with gas Union street from Morris to Hanway street.

Which was read the first time and referred to the Committee on Gas Light.

Mr. Hardesty introduced special ordinance No. 138, 1873, entitled:

An ordinance to grade and pave with bricks the sidewalks on Maryland st. from Meridian to Illinois street.

Which was read the first time.

Also special ordinance No. 139, 1873, entitled:

An ordinance to grade, pave with brick and curb with stone the sidewalks on Georgia street from Meridian to Illinois street, where not already paved and curbed.

Which was read the first time.

Mr. Anderson presented the following petition :

INDIANAPOLIS, May 14, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Olive street, and between Prospect and Willard streets, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling said Olive street and sidewalks, from Prospect street south two squares, and we pray your honorable body to have this put under contract and completed soon as it can be conveniently done. And your petitioners will ever pray, etc.

John G. Webb, Asa Shimer, M. L. Brown,

N. W. Fitzgerald and 9 others.

Which was received.

Also special ordinance No. 140, 1873, entitled :

An ordinance to grade and gravel Olive street and sidewalks from Prospect street two squares south of said street.

Which was read the first time.

Mr. Adams introduced special ordinance No. 141, 1873, entitled :

An ordinance to grade and gravel the first alley north of North street from Pennsylvania street to Fort Wayne avenue.

Which was read the first time.

Mr. Adams presented the following petition :

INDIANAPOLIS, May 19, 1873.

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

The undersigned, residents of the city of Indianapolis, and owners of real estate fronting on Alabama street, most respectfully ask your honorable body to pass an ordinance for the grading and graveling the same from Home avenue north to the State ditch, and that the same be graded so as to conduct the water from said Home avenue into said State ditch.

John S. Duncan, Robert C. Duncan, Jacob J. Traub

James F. Meck and 17 others.

Which was received.

Also special ordinance No. 142, 1873, entitled :

An ordinance to grade and gravel Alabama street and sidewalks of Alabama street from Home avenue to the State dieth.

Which was read the first time.

Mr. Thalman introduced special appropriation ordinance No. 26, 1873, entitled :

An ordinance appropriating money for the use of the Street Commissioner.

Which was read the first time.

Mr. Brown introduced special ordinance No. 143, 1873, entitled :

An ordinance to re-grade and gravel Meridian street, and for bowldering the gutters, and curbing with stone the sidewalks thereof, from South to McCarty street.

Which was read the first time.

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

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN :—Your Special Committee, appointed to prepare and report an ordinance upon the subject of houses of ill-fame, respectfully report that they have carefully examined the statutes and ordinances upon the subject, and have conferred with the City Attorney, whose opinion is herewith submitted. They are of the opinion that it is not expedient to change the existing ordinance reported by the Attorney. Your committee respectfully recommend the passage of the ordinance and resolution herewith submitted.

Respectfully,

DAVID GIBSON,  
J. W. WOODBURN,  
AUSTIN H. BROWN.

Which was concurred in.



Also, the following opinion of the City Attorney:

INDIANAPOLIS, May 16, 1873.

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

GENTLEMEN:—The powers of the Common Council relative to the punishment of penal offenses are such only as the charter confers. To ascertain the powers of the Common Council concerning houses of ill-fame and prostitutes, recourse must be had to the provisions of our city charter. Upon this subject our charter contains the following provisions:

The Common Council shall have power to enforce ordinances.

"Ninth. To suppress gaming and gaming houses, and houses of ill-fame." \* \* \* \* \*

"Twentieth. To restrain and punish vagrants mendicants, street beggars, common prostitutes, and their associates."

"Sec. 54. For the removal and abatement of nuisances, to carry out and enforce sanitary regulations, for the apprehension of disorderly persons, vagrants, common prostitutes, and their associates, \* \* the Common Council shall have jurisdiction two miles beyond the city limits."

There is also this further general provision:

"Sec. 56. The Common Council shall have power to make other laws and ordinances not inconsistent with the laws of this State, and necessary to carry out the objects of such corporation, and to enforce observance of all laws, by enacting penalties for their violation not exceeding one hundred dollars."

As to the punishment which the city may impose upon those who violate the provisions of her ordinances, the following in addition to the above are the provisions of the charter, to-wit:

"The Mayor, while sitting as a court, shall have exclusive jurisdiction of all prosecutions for violations of the by-laws and ordinances of said city, \* \* \* provided that in trials before him he shall have full power to adjudge imprisonment as a part of his sentence not exceeding thirty days in the city or county prison."

"The Common Council shall have power

"Forty fourth; To erect a prison or prisons within the limits of such city, and it shall be lawful to imprison therein persons convicted of offenses against the laws of such incorporation, and for offenses against the penal laws of the State." See also the latter clause of Sec. 56, already quoted.

There are two classes of cases for which punishment is provided:

1st. Those where express power is conferred upon the Common Council to enact and enforce penal ordinances.

2d. Those where the general power is given to pass all laws not inconsistent with the general laws of the State.

Bawdy houses and prostitutes fall within the former class, for there is express power conferred to punish, suppress and restrain. I think, therefore, that in cases where there is a conviction under the ordinances upon these subjects, that the punishment may be fine and imprisonment, or both. Our ordinance upon this subject now in force, contains the following provisions :

"Sec. 1. Be it ordained by the Common Council of the city of Indianapolis, that every common prostitute found wandering about said city, or within one mile of the corporate limits thereof, or found guilty of any lewd or lascivious conduct in any public place within the aforesaid limits, shall, on conviction thereof, be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days."

\* \* \* \* \*

"Sec. 5. It shall be unlawful for any person or persons to keep a house of ill-fame or prostitution in said city, and on conviction of such offense, the person or persons so offending shall be fined in any sum not exceeding fifty dollars; and upon a second or subsequent conviction such person shall be fined in any sum not less than fifty nor more than one hundred dollars, to which may be added imprisonment not exceeding thirty days. And it is hereby made the duty of the City Attorney to set forth in each complaint of any subsequent violations of this section the fact that there has been a first or previous conviction."

\* \* \* \* \*

"Section 6. Any male person, of the age of fourteen years and upwards, who shall reside in a house of ill fame situated within said city, or within one mile of the corporate limits thereof, shall be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days."

\* \* \* \* \*

"Section 11. Any person visiting a house of ill-fame or prostitution situated within said city or within one mile thereof for the purpose of prostitution and whoredom, or who shall be found therein as an occupant thereof, shall be guilty of the violation of the provisions thereof, and be fined in any sum not exceeding fifty dollars, to which may be added imprisonment not exceeding thirty days. All persons found therein, not being occupants thereof, shall be deemed to have visited the same for the purpose of whoredom or prostitution, unless they prove they were there for a lawful purpose." (See Rev. Ord., p. 226.)

Power conferred upon Council to "suppress houses of ill-fame" will not authorize the Common Council to cause the house to be demolished. This was expressly decided in the case of *Welch v. Stowell*, 2 Mich. R. 332. The general rule is that "where the charter or organic act prescribes the manner in which by-laws are to be enforced, or the sanctions or punishments to be annexed to their violation, this constructively operates to negative the right of the corporation to proceed in any other manner or to inflict any other punishment." *Dillon's Munic. Corp.*, §273. It is true that the charter confers upon the Common Council power to abate nuisance, and it is also true that a bawdy house is *per se* a nuisance, but it is not the building which con-

stitutes the nuisance but the unlawful things done in it. (See the case of *Miller v. Burch*, 6 Am. Rep. 242.)

I think that in the enactment of the ordinance quoted the Common Council have exercised their full powers in regard to the extent of punishment to be inflicted.

The only change necessary in the existing ordinance, (this suggestion I submit with deference,) would be to re-enact substantially a section which was contained in the city ordinances for about twenty years, and was repealed by the ordinance of 1868. The section to which I refer, is that defining an unlawful assembly, and which will be found in all the revisions from 1853 until 1869. I respectfully submit herewith the form of an ordinance substantially the same as Sec. 4 of the revision of 1853, and subsequent revisions down to 1869.

The ordinance now in force applies to these classes:

- 1st. The wandering prostitute.
- 2d. The associates of prostitutes.
- 3d. Keepers of houses of ill-fame.
- 4th. Persons who rent houses to be used as houses of ill-fame.
- 5th. Occupants of houses of ill-fame.
- 6th. Visitors at houses of ill-fame.
- 7th. Residents of houses of ill-fame.

The first section of the ordinance applies to prostitutes found wandering about the city, and to those found guilty of improper conduct in a public place. This section is as broad perhaps as the Council have power to make. It was held, and I think rightly, by a former Mayor and an excellent lawyer, Hon. John Caven, that things of the nature mentioned in this section, transpiring in a private place, could not be punished. This principle does not of course apply to a house of ill-fame or its keepers, its occupants or visitors, because such a house is *per se* unlawful.

It will be found upon examination, that our present ordinance is stringent and explicit, and the power of punishment fully exercised. As I have already suggested, it seems to me that the only thing that can be done in changing the ordinance will be to enact an independent ordinance resembling in its general features that herewith submitted. The difficulty lies not so much in the provisions—as is indeed true of most cases—of this law as in its enforcement. The authority to enter a house without a warrant can not be conferred by the Common Council, nor exercised by a police officer, unless at the time there is some riotous or violent transaction occurring in the view or hearing of the officer. The right to enter a house and arrest must, in general, be authorized by a warrant issued from the proper judicial tribunal. The Common Council can not authorize an arrest without judicial process, except in certain specified cases. The 29th subdivision of Sec. 53 of the charter provides, that the Council may invest market masters with power



"to make arrests for the violation of city ordinances in their view, and to make councilmen, and all other city officers conservators of the peace, within the city, with power to arrest in like manner." A very similar provision concerning the duties of marshal will be found in Sec. 29.

I think, therefore, that the ordinances upon the subject of arrests are as strong as the organic law will warrant.

Respectfully,

B. K. ELLIOTT, City Attorney.

Messrs. Gibson, Brown, Woodburn, Special Committee.

Which was received.

Also, the following resolution :

*Resolved*, That the Chief of Police be and is hereby instructed to vigorously and energetically enforce the ordinances relative to the keepers, residents, occupants and visitors of houses of ill-fame and prostitution, and that he take such steps as may be necessary to insure a vigorous enforcement of such ordinances, and that the Board of Police be respectfully requested to extend to the Chief all proper assistance.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Anderson, Bigham, Bollman, Brown, Craft, Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Shepherd, Sherwood, Thalman, Ward and Woodburn—18.

Negative—None.

Mr. Gibson introduced general ordinance No. 28, 1873, entitled :

An ordinance defining an unlawful assembly and prescribing punishment.

Which was read the first time.

Mr. Thalman introduced general ordinance No. 29, 1873, entitled :

An ordinance to provide for the compensation of City Officers and officers and members of the Police Force and Fire Department for the fiscal year ending May 15, 1874.

Which was read the first time.



By unanimous consent the rules were suspended for the purpose of reading the second and third times and passing the above entitled ordinance.

The ordinance was then read the second time.

Mr. Bigham moved to strike out \$800 salary of Market Master and insert in lieu thereof \$400.

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

Dr. Woodburn offered the following proviso:

*Provided*, That it shall be the duty of such City Treasurer to properly deposit such moneys of the city of Indianapolis as may come into his hands as Treasurer, and to contract for the best rates of interest that he can safely do, and to faithfully and justly account for and pay over to such city all interest by him on such moneys received: *Provided*, That nothing herein contained shall be construed as restricting the right or power of such Treasurer to select the place or places of deposit.

Mr. Brown offered the following amendment:

*Provided further*, That the City Treasurer be requested, in selecting his depositories, to give preference to such bank or bankers as will agree to make temporary loans to the city when required, at a rate of interest not exceeding eight per cent. per annum.

Which amendment was adopted.

The proviso as amended was then adopted, and the ordinance so amended.

On motion by Mr. Craft, the amount appropriated for payment of salary of Councilmen was increased from \$2,700 to \$3,900.

The ordinance was then ordered engrossed.

The ordinance was then read the third time and passed by the following vote:

Affirmative—Councilmen Adams, Anderson, Bigham, Bollman, Brown, Craft, Gibson, Hardesty, Kahn, Kennington, Pressly,

Reagan, Rush, Shepherd, Sherwood, Thalman, Ward and Woodburn—18.

Negative—None.

By consent, Dr. Woodburn presented the following communication :

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN :—We, the undersigned, are of a committee which was appointed at a citizens' meeting, held this day for the purpose of making suitable arrangements for the funeral of the late General E. R. S. Canby, whose eminent services in camp and council marked him as one of the most distinguished citizens of the Republic. The committee was instructed to wait upon the City Council and request this body to co-operate in such way as it may see proper the observance of the occasion referred to. JOHN LOVE,  
GEO. H. CHAPMAN.

Which was received.

Also, the following resolution :

*Resolved*, That the members of the City Council and city officers will attend the funeral of the late General Canby in a body, and that a committee of three members be appointed to make such other suitable arrangements as to them may seem proper, acting in relation thereto in conjunction with the Citizens' Committee of Arrangements.

*Resolved*, That two hundred and fifty dollars, or as much thereof as may be necessary, will be appropriated to pay the expenses incident to the funeral.

Which was adopted by the following vote :

Affirmative—Councilmen Adams, Anderson, Bigham, Bollman, Brown, Gibson, Craft, Hardesty, Kahn, Pressly, Rush, Shepherd, Sherwood, Thalman, Ward and Woodburn—16.

Negative—Councilman Kennington and Reagan—2.

The Mayor appointed as such Special Committee Councilmen Rush, Brown and Pressly.

By consent, Mr. Pressly offered the following motion :

*Moved*, That the Mayor be requested to fill the vacancies in the Special Committee on Railroads, occasioned by Messrs. Cotterell and Wiles retiring from Council.

Which was adopted.

The Mayor appointed Councilmen Rush and Kennington as members of the said Special Committee to fill vacancy.

His Honor, the Mayor, read a communication from the Mayor of East St. Louis, stating that a committee from that place would visit this city on Thursday, May 22d, for the purpose of inspecting our Tunnel, Viaduct and other public improvements.

Which was received, and on motion of Dr. Woodburn, His Honor, the Mayor, Civil Engineer, and the Committee on Tunnels and Bridges were appointed as a committee of reception, with instructions to tender to them the hospitalities of the city.

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

Mr. Adams offered the following motion :

*Moved*, That the City Attorney prepare such papers as are necessary for condemning all gravel roads inside of the city limits, and present the same to the Council for action at as early a date as possible.

Which was adopted.

Also the following motion :

*Moved*, That L. I. Mossler & Bro., have permission to put up (at their own expense) a hitching post in front of their business house on Washington Street.

Which was adopted.

Mr. Anderson offered the following motion :

*Moved*, That the City Clerk advertise for proposals for putting down flag stone crossings of two rows, and bouldered in the middle, across Noble street at the intersection of Noble street and Virginia avenue; also one at the crossing of Louisiana street and Virginia avenue.

Which was referred to the Committee on Streets and Alleys and the Street Commissioner.

Mr. Bigham offered the following motion :

*Moved*, That the city Street Commissioner be and is hereby directed to open the alley running north and south, between Market and Washington streets, and Cruse street and the old corporation line. Said alley is in out lot 72.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

*Moved*, That the city Street Commissioner be and is hereby directed to place a wooden culvert at the corner of New York and Noble streets, east side.

Which was referred to the Committee on Streets and Alleys.

Also the following motion :

*Moved*, That Dr. Howard have permission to boulder ten feet of the sidewalk in front of his property on East Washington street, for a carriage drive.

Which was adopted.

Also the following motion :

*Moved*, That G. D. Emery have permission to move a frame building across Ohio street.

Which was adopted.



Also the following motion :

*Moved*, That the Street Commissioner be and is hereby directed to place a wooden crossing over the gutters at the crossings of Alabama and Washington streets.

Which was adopted.

Also the following remonstrance :

INDIANAPOLIS, May 5, 1873.

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

GENTLEMEN :—The undersigned, owners of the real estate fronting on Liberty street, between Washington and Meek streets, respectfully remonstrate against the passage of an ordinance providing for the grading and bouldering of said Liberty street, and for paving and curbing the sidewalks thereof, between Washington and Georgia streets; and your remonstrants further represent that said street is in a good condition, and such an expensive improvement is entirely uncalled for. And your remonstrants will ever pray, etc.

Chas. Dehne, I. P. & C. R. W. Co., by David Macy,  
Prest., and N. Eugene Bernard.

Which was referred to the Committee on Streets and Alleys.

Mr. Bollman offered the following motion :

*Moved*, That the Street Commissioner be and is hereby instructed to lay down flag stone foot crossings on the east side of Delaware street, at all crossings where flagging is necessary between South and McCarty streets, both of said streets are included in this order, also, all crossings on the south side of South street, from the west side of Delaware street to the east side of East street.

Which was referred to the Committee on Streets and Alleys and the Street Commissioner.

Mr. Brown offered the following motion :

*Moved*, That the Finance Committee be required to meet at the office of the City Treasurer, together with the Clerk and the Treasurer, at 2 o'clock on Tuesday afternoon, May 20th, 1873, for the purpose of making settlement with the late Treasurer, John W. Coons.

Which was adopted.

Also the following motion :

*Moved*, That the work on North Meridian street block pavement north of Saint Clair street be suspended until the Committee on Streets and Alleys report whether the ordinance can not be amended so as to provide for a pavement 36 feet in width instead of 40 feet in width, and that said committee report an amended ordinance on the subject.

Which was adopted.

Also the following motion :

*Moved*, That Benedict Fisher be allowed the privilege of paving, with hard burned brick, the sidewalk in front of his property on the east side of Illinois street, between McNabb and South streets, provided the same be done at his own expense and to the satisfaction of the city Civil Engineer.

Which was adopted.

Also the following remonstrance:

INDIANAPOLIS, May 19, 1873.

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

The undersigned objects to and remonstrates against the granting of a petition presented April 1872, asking for the vacation of an alley which runs across lots 25 and 26 in out lot No. 170; and he objects to and remonstrates against the vacation of said alley, and he shows that he is interested therein, because he is the owner of so much of said lots 25 and 26 as lies west of said alley, and being wholly ignorant of the filing and pendency of such petition, he has made permanent improvements upon his said property, to which said alley is useful and important.

THOMAS A. HENDRICKS.

Which was referred to the Committee on Streets and Alleys.

Mr. Craft offered the following motion :

*Moved*, That Rev. S. T. Gillett be and is hereby granted permission to take up the pavement and lay a bouldered drive across the sidewalk in front of his property on North Alabama street, between Vermont and Michigan streets, the same to be done under the direction of the Civil Engineer, and at his own expense.

Which was adopted.

Mr. Gibson offered the following resolution :

*Resolved*, That the Civil Engineer be and is hereby instructed to prepare a plan and map for the location and opening of a street from Illinois street extending east upon such a line and in such a direction as to connect with a street to be opened on the south of the grounds belonging to the Indiana State Board of Agriculture, and that he report the same at the next meeting of the Council.

Which was adopted by unanimous consent.

Also, the following resolution :

*Resolved*, That the Common Council propose to condemn and appropriate for the purposes of a public street, so much of the Indianapolis and Fall Creek Gravel Road as lies within the corporate limits of the city of Indianapolis, and that the Civil Engineer be and is hereby directed to prepare and report to this Council, at the next meeting, a map showing the route and line thereof.

Which was adopted by unanimous consent.

Also the following motion :

*Moved*, That the Committee on Streets and Alleys and the City Civil Engineer be and are hereby instructed to examine the work on Columbia street between Vermont and Michigan streets, and report to this Council whether the same is being done according to contract.

Which was adopted.

Mr. Gibson presented the following petition :

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—Your petitioners respectfully ask that the ordinance now pending the Council to authorize Barnabas Coffin to construct a railroad track or switch from Kentucky avenue to the north line of Jones street be so amended that such track or switch may be continued south of the north line of Jones street to any point or points west of the east line of Dakotah street and north of Pogue's Run.

B. COFFIN.

We consent to the above.

J. H. McKERNAN,  
JOHN OTT,  
THOS. D. KINGAN.

Which was received.



Mr. Gibson called up general ordinance No. 22, 1873, entitled:

An ordinance authorizing Barnabas Coffin to construct a railroad track over certain streets and alleys.

Which was read the second time, when Mr. Gibson offered the following amendment:

*Moved,* To amend south on Dacotah street to Pogue's Run.

On motion, the whole matter was laid over until the next meeting of the Council.

Mr. Hardesty offered the following motion:

*Moved,* That the Street Commissioner be instructed to put in good repair all the bowldered streets of the city.

Which was adopted.

Also the following motion:

*Moved,* That the Street Commissioner be and is hereby directed to raise and re-bowlder the gutter on the east side of South Meridian street in front of Byram, Cornelius & Co.'s business block.

Which was adopted.

Also, the following motion:

*Moved,* That the Street Commissioner be and is hereby directed to repair the floor of the old wooden bridge across Pogue's Run on Delaware street.

Which was adopted.

Also the following motion:

*Moved,* That the Street Commissioner be directed to report to the Council the actual cost of 300 feet of the flag stone crossings put down by him, including the bowldering between the flags and two feet on each side, and also the cost of the iron foot crossings.

Which was adopted.

Also the following motion :

*Moved*, That the City Clerk advertise for the following stone crossings, two rows, with boulders between the rows, and also two feet on each side, at the following named points :

On the west side of Madison avenue, at the intersection of Union street.

On the west side of Madison avenue and Phipps street.

On the east side of Madison avenue where the same is crossed by Merrill street.

On the east side of Madison avenue at the intersection of Pennsylvania street.

On the east side of Pennsylvania street at the crossing of Merrill street.

Iron foot crossings to be put down where the above stone crossings are made, the same to be furnished by the city to the contractor to whom the work is awarded.

The stone crossings to be bid on per lineal foot run, and the bouldering per superficial yard.

Which was referred to the Committee on Streets and Alleys and Street Commissioner.

Also the following motion :

*Moved*, That the resolution ordering the clerk to advertise for bids for the improvement of the road on the Sellers farm be referred to the City Attorney for his inspection, and report as to the right of the city to improve property outside the city limits.

Which was adopted.

Also the following motion :

*Moved*, That the City Clerk advertise for proposals for doing the city bill posting for the next year as per ordinance, and furnishing proof of posting as required by law.

Which was adopted.

Mr. Kennington offered the following resolution :

*Resolved*, That the Common Council propose to condemn and appropriate for the purposes of a public street, so much of the Southport and Indianapolis Gravel road as lies within the corporate limits of the city of Indianapolis,

and that the Civil Engineer be and is hereby directed to prepare and report to this Council, a map showing the route and line thereof.

Which was adopted by the following vote:

Affirmative—Councilmen Adams, Anderson, Bigham, Bollman, Brown, Gibson, Hardesty, Kahn, Kennington, Pressly, Reagan, Rush, Shepherd, Thalman, Ward and Woodburn—16.

Negative—None.

Also the following petition:

INDIANAPOLIS, May 14, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Rockwood street, between East and Noble streets, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling and paving with hard burned brick, the sidewalks of the above named street, and also to open the said street from East to Noble streets, and stone curbed with Flat Rock stone. And your petitioners will ever pray, etc.

Anton Bauka, Frederick Gangsberg, Henry Kiel,  
Wm. H. Henschen and 5 others.

Which was referred to the Committee on Streets and Alleys.

Mr. Pressly offered the following motion:

*Moved*, That the Street Commissioner be instructed to lower the gutter on the east side of East street from the first alley south of Washington street to the Peru railroad.

Which was adopted.

Also the following motion:

*Moved*, That permission be and is hereby granted Michael Foust to drive across the sidewalk of Daugherty street in front of Dickey's Pond, said Foust to put said sidewalk in as good condition as it now is.

Which was adopted.

Also the following motion:

*Moved*, That Moses McClain have permission to move frame house, No. 359 North Pennsylvania street. from its present location to North Mississippi st., between Sixth and Seventh streets, by the following route—on North street to Mississippi street, north on Mississippi street to its terminus.

Which was adopted.

Also the following remonstrance:

INDIANAPOLIS, May 11, 1873.

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

GENTLEMEN:—We, the undersigned, would respectfully remonstrate against the improvement contemplated in an ordinance, entitled and ordinance to grade and gravel the alley running east and west between Buchanan and Daugherty streets, from Eeast through to Wright streets, as many of the parties interested in this improvement have but lately purchased their lots, and have built themselves a small house on the same, will at this present time be unable to pay their assessments. And your remonstrants will ever pray, etc.

John Brown, Kate Berry, Henrich Kolthopp,  
R. C. J. Pendleton and 32 others.

Which was referred to the Committee on Streets and Alleys together with the ordinance.

Also the following remonstrance:

INDIANAPOLIS, May 19, 1873.

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

GENTLEMEN:—The undersigned, owners of the real estate fronting on Virginia avenue and Elm street, between Pine and Cedar streets, respectfully remonstrate against the passage of an ordinance providing for the grading and bouldering the first alley north of Virginia Avenue, running east and west from Pine to Cedar streets.

Adam Smith, Charles Lohmann, H. Resner,  
J. H. Stuckmeyer and 12 others.

Which was referred to the Committee on Streets and Alleys together with the ordinance.



Mr. Reagan offered the following motion:

*Moved*, That O. B. Gilkey be allowed to move an office, 12 by 16, from Virginia avenue to West street, providing the same does not come within the fire limits.

Which was adopted.

Also the following motion:

*Moved*, That the Street Commissioner be and is hereby authorized to clean up and remove the rocks on Georgia street, between Illinois and Tennessee streets.

Which was adopted.

Mr. Shepherd offered the following motion:

*Moved*, That the City Marshal be instructed to notify the property owners west of White River within the corporation line, to open all streets and alleys according to the plat on record at the Recorder's Office of Marion county, within thirty days from date; and in case of failure on the part of the property holders in said district, the Marshal shall proceed to open them immediately thereafter without further notice, and that the City Civil Engineer shall set the stakes.

Which was adopted.

Also, the following motion:

*Moved*, That the Chief Fire Engineer be ordered to locate fire cisterns west of White River.

Which was referred to the Committee on Fire Department.

Also the following motion:

*Moved*, That the City Clerk advertise for proposals to build stone abutments at the crossings of Willard and Eddy streets, on Pogue's Run, according to plans and specifications to be furnished by the City Civil Engineer.

Which was referred to the Committee on Bridges.

Also the following motion :

*Moved*, That the Street Commissioner be and is hereby ordered to clean Illinois street from Washington to South street.

Which was adopted.

Mr. Sherwood offered the following motion :

*Moved*, That John Green have an extension on his contract for grading and graveling Sixth street and sidewalks, from Tennessee street to the Michigan road, until July 1st, 1873, his security having consented to said extension.

Which was adopted.

Mr. Thalman offered the following motion :

*Moved*, That the Marshal proceed at once to remove all encumbrance from Locke street.

Which was adopted.

Also the following motion :

*Moved*, That the Street Commissioner, under the direction of the city Marshal, be directed to build pens for impounding hogs.

Which was laid on the table.

Also the following motion :

*Moved*, That the city Civil Engineer be directed to examine and report what is necessary to be done to the street and gutters at the crossing of Indiana avenue and Mississippi street, to prevent large ponds of water standing at that point.

Which was adopted.

Also the following communication :

INDIANAPOLIS, May 15, 1872.

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

GENTLEMEN:—In consideration of the time which has passed since I proposed to letter the street lamps, and the season so far advanced, it would be

impossible for me to do the lettering for the price named in my bid, I would respectfully withdraw the same.

H. B. WILLIAMS, JR.

Which was received and prayer of petitioner granted.

Also the following motion :

*Moved*, That the City Clerk re advertise for proposals for lettering the corner street lamps with the names of the streets, the letters to be painted on the glass.

Which was adopted.

Also the following motion :

*Moved*, That the City Sealer be directed not to enter upon the duties of his office until the ordinance now in the hands of a committee is presented and passed.

Which was adopted.

Also the following motion :

*Moved*, That the City Clerk advertise for proposals for numbering houses on all streets in the city where they are not already numbered correctly.

Which was adopted.

Also the following motion :

*Moved*, That the City Attorney be directed to report the condition of the injunction suit between the city and the I. C. & L. R. R. Co., regarding the lowering of the railroad track at the crossing of New York street.

Which was adopted.

Dr. Ward offered the following motion :

*Moved*, That the City Gas Superintendent be assigned the rooms now occupied by the City Commissioners for his office, laboratory and place of deposit for the apparatus used in testing gas.

Which was adopted.

Dr. Woodburn offered the following motion :

*Moved*, That S. M. and J. G. Douglass be allowed to lay a Leffler stone pavement in front of their property on East and Ohio streets ; also on Highland avenue, and that the city Engineer be directed to set the grade stakes for the same, at their own expense.

Which was adopted.

On motion by Dr. Woodburn, the rules were unanimously suspended for the purpose of reading the second and third times and passing the following entitled ordinance :

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.

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

Affirmative—Councilmen Adams, Anderson, Bigham, Bollman, Brown, Gibson, Kahn, Kennington, Pressly, Reagan, Shepherd, Sherwood, Thalman, Ward and Woodburn—15.

Negative—None.

On motion the Council adjourned.

JAMES L. MITCHELL, Mayor.

ATTEST :

JOHN R. CLINTON, City Clerk.