

PROCEEDINGS
OF THE
COMMON COUNCIL

REGULAR SESSION

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, March 18, 1872, 7½ 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, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalsman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Absent—None.

The City Civil Engineer made the following report :

INDIANAPOLIS, March 18, 1872.

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

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

David Sylvester—

For grading and graveling the first alley north of Ohio street, and running east and west from Davidson to Winston street :

North side.....	322 ft.
South side.....	322 ft.

Total length.....	644 ft.
At 22 cents per lineal foot.....	\$141 68

Respectfully submitted,

R. M. PATTERSON,
Civil Engineer.

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, March 18, 1872

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

GENTLEMEN—The City Clerk would respectfully report first and final estimate allowed David Sylvester, for grading and graveling the first alley north of Ohio street, and running east and west from Davidson to Winston street.

Respectfully submitted,

JOHN R. CLINTON,
City Clerk.

Which was concurred in.

Also, the following estimate resolution :

Resolved, That the foregoing first and final estimate allowed David Sylvester, for grading and graveling the first alley north of Ohio

street, and running east and west from Davidson to Winston streets, be and the same is hereby adopted as the estimate of this Council, and that the property owners are hereby required to pay the sums set opposite their respective names.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Cottrell, Craft, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalmann, Thoms, Weaver, Whitsit, Wiles and Woodburn—16.

Negative—None.

ORDINANCES ON FIRST READING.

Mr. Wiles presented the following petition :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on St. Clair street, between Meridian and Delaware streets, respectfully petition your honorable body to pass an ordinance providing for the grading, curbing with stone, and paving with brick the north sidewalk of St. Clair street, six feet in width, between Meridian and Delaware streets. And your petitioners will ever pray, &c.

J. J. Palmer and E. G. Palmer, 140 feet; J. B. Aikman, 35 feet; Samuel McGiffin, 35 feet; Mary A. Kreglo, 35 feet; H. Siebert, 140 feet; Misses L. and C. McFarland, 70 feet; Franklin Landers, 140 feet; Robt. Gray, 35 feet.

Which was received.

Also, Special Ordinance No. 43, 1872, entitled :

An Ordinance to pave with brick, and curb with stone, the north sidewalk on St. Clair street, between Meridian and Delaware streets,

Which was read the first time.

Mr. Thalman presented the following petition :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN--The undersigned, owners of the real estate fronting on Bright street, between New York and Michigan streets, respectfully petition your honorable body to pass an ordinance providing for the lighting of Bright street with gas, from New York street to Michigan street. We propose to take the number of burners set opposite our names.

And your petitioners will ever pray, etc.

S J Sinks, 8, John Smith, Richard Jacobs, 4, D M Cantrell, H Knippenburg, Chairman Board Trustees Garden Baptist Church, 12, H J Seaman, 7, John C Walker, 3, Charles Devor, Martin Myers, 6, A E Phelps, 8, J R Robinson, E W H Ellis for Ellie W., Mary Walker, John Daglish, A L Wright, Maria Prather, William Glasscock, Sarah Galton, I Baker, E J English.

Which was received.

Also, Special Ordinance No. 44, 1872, entitled :

An Ordinance to light with gas Bright street, from New York to North street,

Which was read the first time.

Mr. Batty presented the following communication :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—We respectfully ask permission to withdraw our bond for the grading and graveling of Clifford avenue, as there is seven hundred and sixty-eight feet on the south side of said avenue belonging to Olive Hanna, widow of the late Gen. Robert Hanna,

which is not incorporated, and the Council could not enforce the collection of an estimate for the improvement.

Respectfully submitted,

SAM. HANWAY & CO.

Which was received, and permission given Messrs. Hanway and Hanna to withdraw the said bond and contract.

Also, Special Ordinance No. 45, 1872, entitled :

An Ordinance to repeal an ordinance entitled, "An ordinance to grade and gravel Clifford avenue and sidewalks, from the east end of Massachusetts avenue to the east corporation line,

Which was read the first time.

Also, Special Ordinance No. 46, 1872, entitled :

An Ordinance to grade and gravel the north sidewalk of Clifford avenue, from the east end of Massachusetts avenue to the east corporation line,

Which was read the first time.

Also, the following remonstrance :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The undersigned, property holders on north side of St. Clair street, between New Jersey and Delaware streets, respectfully protest against the proposed paving of sidewalks and curbing as proposed by an ordinance passed by your honorable body. We believe the sidewalk at the present time is in good condition, and are not able to pay for improvements such as is contemplated in said ordinance; and further, we deem such improvement at the present time as unnecessary. We therefore respectfully ask you to repeal said improvement ordinance.

Wm. H. Lowmon, 33 feet 4 inches; Nelson D. Lowmon, 33 feet 4

inches; Jane Lowmon and Eliza Lowmon, 196 feet 8 inches; G. F. Routou, 67 feet; James Loucks, 165 feet.

Which was referred to the Committee on Streets and Alleys.

Mr. Craft introduced Special Ordinance No. 47, 1872, entitled:

An Ordinance to plant and box shade trees on Alabama street, between Massachusetts avenue and North street.

Which was read the first time.

ORDINANCES ON THIRD READING.

Special Ordinance No. 9, 1872, entitled:

An Ordinance to grade and pave with brick the west sidewalk of New Jersey street, from Merrill to McCarty streets,

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

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Negative—None.

General Ordinance No. 63, 1871, entitled:

An Ordinance to authorize T. A. Lewis & Co., to lay a railroad switch across Cumberland and Maryland streets,

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

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell,

Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Negative—None.

General Ordinance No. 20, 1872, entitled :

An Ordinance concerning the fees of Market Master, &c.,

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

Affirmative—Councilmen Batty, Craft, Heckman, Locke, Marsee, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—11.

Negative—Councilmen Bigham, Brown, Cottrell, Gimber, Kennington, Newman and Reagan—7.

General Ordinance No. 5, 1872, entitled :

An Ordinance providing for the construction of a public sewer in and upon Illinois street, from the northern terminus of Kentucky avenue sewer to Second street, in the city of Indianapolis,

Was read the third time.

Dr. Woodburn moved to amend by striking out the words "four and one half feet," the internal size of the sewer from the northern terminus of the Kentucky avenue sewer to North street, and substituting "four feet," and by striking out the words "four feet," the internal size of the sewer from North to Second streets, and substituting the words "three and one half feet."

Which was adopted.

The Ordinance, as amended, was then passed by the following vote :

Those who voted in the affirmative were—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Thalman, Weaver, Whitsit, Wiles and Woodburn—15.

Those who voted in the negative were—Councilmen Newman, Reagan and Thoms—3.

By consent, the City Attorney made the following report :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The following motion in regard to the action of the Common Council on the bond of John Whitsit, in reference to his constructing of the tunnel under the railroad tracks on South Illinois street, has been handed me :

Moved : "That the matter lay over for one week, and that it be referred to the City Attorney for his opinion, as to whether or not the City Council has power to reject the bond, provided the security be sufficient."

The question presented is purely an exclusive one of order, and a question which his Honor, the Mayor, is competent to decide, subject to an appeal to the Common Council.

Perhaps I ought to stop here, but as I am required to give an opinion, I will say that upon the presentation of Mr. Whitsits bond, the question would be upon the approving of the bond, but other questions might be interposed, such as motions to reject the bond, to lay it on the table, to postpone it to a day certain, to postpone the consideration of the bond indefinitely, when it could not be voted on under Rule 17, of the Common Council, during this or the next two succeeding meetings, and to commit, no member is bound to give a reason for his actions.

The bond must, I think under your rules, be disposed of in some one of the ways above indicated, before any other business would be in order.

Respectfully submitted,

J. S. HARVEY,

City Attorney.

Which was concurred in.

Mr. Brown moved that the contract and bond of Mr. John A. Whitsit, for the building of a tunnel under Illinois street, at the west end of the Union Depot, be accepted and approved.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Weaver and Whitsit—12.

Negative—Councilmen Batty, Craft, Newman, Thoms, Wiles and Woodburn—6.

His Honor the Mayor, Daniel Macauley, presented the following communication :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—At a meeting of the Board of School Commissioners, held on the 15th inst., the following resolution was unanimously adopted:

Resolved, "That the School buildings shall not be used for other than educational purposes, and that the President notify the City Council of this action of the Board."

In compliance with the request of the Board, I hereby respectfully notify the City Council that the School Houses can not be used for political meetings or election purposes, without seriously interfering with the interest and progress of the schools, and ask that in providing places for elections you make such arrangements as will conform to the above order of the Board.

Respectfully submitted,

JOHN R. ELDER,

President of Board of School Commissioners.

Which was referred to the Committee on Schools.

By consent, Mr. Craft, from the Committee on Contracts, made the following report :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—We your Committee on Contracts, to whom was referred the bids on laying block pavement on Market street, between Pennsylvania and Delaware streets, would beg leave to report that J. J. Palmer is the lowest and best bidder for the Ballard block pavement, viz. \$6.88 per lineal foot. The petitioners having asked for the Ballard pavement, we therefore recommend that the contract be awarded to J. J. Palmer at his bid.

Respectfully submitted,

W. H. CRAFT,
JOHN L. MARSEE,
ROBERT KENNINGTON,
Committee on Contracts.

Which was referred back to the Committee, together with a remonstrance.

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

Mr. Batty offered the following motion :

Moved : That Justus Adams and J. W. Hopper be permitted to pave with hard burnt brick the pavement in front of their property on the east side of Park avenue, north of Christian avenue, under direction and to the satisfaction of the City Civil Engineer, who is hereby directed to set the grade stakes.

Which was adopted.

Mr. Bigham offered the following motion :

Moved : That T. T. Parvin, J. M. Gaston, and M. Poudier have per-

mission to pave the sidewalks in front of their residences on East New York street, the same to be done under the direction and to the satisfaction of the City Civil Engineer, who is hereby instructed to set the grade stakes.

Which was adopted.

Also, the following motion :

Moved : That the property owners in out-lot 66, 67, 68, 69 and 70, in Bates sub-division, fronting on East Washington street, have permission to fill the gutter in front of their residences and pave the sidewalk in front thereon, with hard burnt brick, stone, or other pavement, said pavement to be nine feet wide, etc. The City Civil Engineer is hereby directed to set the grade stakes.

Which was adopted.

Mr. Brown presented the following petition :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN--Your petitioner, Barnabas Coffin, respectfully shows that the ordinance passed by the Common Council on the 4th day of March, 1872, works great injustice to him and other citizens, and strikes a severe blow at the most important commercial interest of the city.

The ordinance provides that no building shall be erected, fitted up or used in said city, for slaughtering, dressing, or packing any cattle, calves, sheep or swine, except on the immediate bank of White River, and now used for such purpose, * * without a special ordinance regularly passed therefor by said Council ; and provided that no such ordinance shall be enacted unless petitioned for by a majority of the voters of the ward wherein such buildings are proposed to be fitted up, erected or used ; * * nor shall any owner or occupier of any house already constructed or used for the purposes aforesaid, at any place or point in the city, alter, rebuild, repair, or enlarge the same, or make any additions thereto, until an

ordinance is passed therefor by the Council in like manner and upon petition, as above set forth."

The effect of this ordinance is to prevent the business of slaughtering and packing of cattle and swine from being carried on in the limits of the city, except upon a petition of a majority of the voters living in the part of the city where the same is carried on.

Your petitioner shows that this business employs more capital than any one of the manufacturing interests of the city, and contributes more to the growth and prosperity of the city than any other branch of business. It has built up Cincinnati, contributed largely to the upbuilding of Chicago, and the interests of Indianapolis require that it should be encouraged and fostered, and not destroyed or driven elsewhere by hostile legislation.

While the business may be so conducted as to make it a *nuisance*, it is not necessarily so; and in other cities, as Cincinnati, St. Louis and Buffalo, under proper regulations, it is carried on in the midst of densely populated districts, upon the principal streets, without being noxious or offensive.

Your petitioner shows that he has a large amount of capital invested in his pork house on Blake street, which is provided with railroad switches, and other necessary appliances for carrying on said business; and that this ordinance deprives him of the right to use his property, and destroys his business, and prevents him from making any improvements, alterations or repairs in his pork house, without a hearing, or even an opportunity of being heard in his own behalf.

Your petitioner further shows, that there is no other location that he can obtain on the banks of White River, without almost destroying the commercial value of his business, and that his present location is in every way suitable for carrying on such business, and has been used for that purpose, without interruption, for a period of twenty-five years.

Your petitioner proposes to alter and repair his present building, by adopting all modern improvements, such as are used in other cities, so as to remove all reasonable cause of complaint or offense to persons living in the vicinity thereof; and is willing to comply with all reasonable regulations that may be prescribed by the Council to prevent such business from being in any way noxious or offensive. He proposes, if required, to bind himself in such sum as the Council may require, to remove all the offal of every kind and description daily; to carry all the gases that may escape from the tanks by pipes through the smoke-stack, by which they are neutralized; to carry

the water used in scalding and washing by pipes into the bed of White river; to cause all the blood, except a small per cent which escapes with the water used in washing, to be tanked and hauled away daily; and he prays the Council to modify the ordinance above set forth so that it will fully protect the rights of other citizens without destroying the business and property of petitioner, and without affecting injuriously the most important commercial interest of the city; and he asks to be allowed to make such alterations in his present building, as above specified, as will remove all cause of complaint.

BARNABAS COFFIN.

We the undersigned, citizens of Indianapolis, join with Barnabas Coffin in the foregoing petition, and pray that the ordinance therein set forth may be modified as therein suggested.

Jas C Ferguson, N M Neeld, Thos Jordan, Geo T Evans, E B Howard, J A Bradshaw, Tousey & Wiggins, Jas J Pattison, J Barnard, John Carlisle, F P Rush, Hanna, Caldwell & Co., Donaldson & Stout, Higgins & Ryan, Dessar Bros., Anderson, Bullock & Schofield, A S Mount, J E Robertson & Co., Crossland, Hayden & Co., Gapen & Catherwood, Hollweg & Reese, Daggett & Co., Byrum, Cornelius & Co., T V Kimble, Kimble, Aikman & Co., John C Burton & Co., Jas Sulgrove, Wiles Bros & Co., Mullaney, Hayes & Co., O'Conner, Pfau & Co., John Cassin, G W Pee & Co., Jos A Moore, Richard L Talbott, Thomas Madden & Co., Fahnley & McCrea, Mayhew & Branham, Pattison & Co., Hide, Leather and Belting Co., Conduit, Dougherty & Co., Hendricks, Edmunds & Co., Andrew J Fiscuss, J W Lunt, J D Evans & Co., Hibben, Kennedy & Co., Andrew Wallace, Holland, Ostermeyer & Co., W J Holliday & Co., Henry Severin, Severin, Schnull & Co., Murphy, Johnston & Co., Adams, Mansur & Co., Mitchell & Rammelsburg, Hawthorn, Morris, Gorrell & Jones, L Ludorff & Co., Geo K Share, J S Smith, Wm Bickford, John B Sullivan, Ransdell & Co., Maxwell, Fry and Thurston, Frank A Boyd, G W Ryan, Hahn & Balls, Louis Lang, J H Mull, W & C F Holliday, Sellers & Rottler, Jno Dury, Samuel Merrill, R Browning, Grover & Baker Sewing Machine Co., E W Wiley, Agent, Pettis, Dickson & Co., Todd & Carmichael, I J Mossler & Bro., Louis Siersdorfer, H Rentsch, Charles Coulon, Wm Dietrichs, Chas G Coulon, H Blume, T Hahn, L Severin, Joseph Jacob, Edward Muller, J S Roberts, Milton Poudier, W H Parmelee, John E Slawson, J A Murray, J D Morris, R W Geiger, Thomas H S Peck, Joseph McDermott, Sinkler, Davis & Co., L W Hasselman, James B Sutt, Shaw & Lippincott Manufac-

turing Co., Butsch, Dickson & Co., Theo P Haughey, Prest Indiana-
 polis National Bank, J B Ritzinger, F A W Davis, Cashier Indiana
 Banking Co., W W Woollen, Wm H English, Samuel F Way, T A
 Lewis, R B Duncan, Chas Glazier, H Reese, H D Carlisle, Johnston
 Bros, Layman, Carey & Co., Robert Appleby, Dan Yandes, J George
 Stilz, W W Jones, Robertson & Schindler, T E Dawson, J G Payne,
 W A & I N Patterson, D Coulter, Albert Gall, J S Bieler, A Gebhard,
 H Pomsberg, David Macy, Dietz & Raisner, Schwabacker & Selig, R
 M Leck, Saml E Frazee, Fred Ellison, Russell Elliott, J A Perkins,
 Geo B Yandes, Cashier Citizens National, John C S Haarison, Geo
 Tousey, S A Fletcher & Co.

Which was received.

Also, General Ordinance No. 23, 1872, entitled :

An Ordinance to amend an ordinance entitled, "An ordinance to re-
 peal a part of an ordinance heretofore passed in relation to slaugh-
 ter houses," ordained March 4th, 1872, and repeal part thereof, and
 all ordinances in conflict herewith,

Which was read the first time.

Mr. Thalman presented the following remonstrance :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The property owners and residents of the Fourth
 Ward respectfully, but earnestly protest against the repeal of the
 ordinance, recently enacted, concerning slaughter houses. We
 respectfully ask leave to call attention to a few of the many glaring
 errors contained in the petition of Barnabas Coffin, it is proper, at
 the onset, to call your attention to the fact that not more than ten, at
 the most, of the signers of that petition have any personal knowl-
 edge of the business carried on by Mr. Coffin and the manner in
 which it has been conducted, upon the most material matters, it is
 but the statement of Mr. Coffin, reiterated by others. We do know
 from our own personal knowledge that it is, and has been, an intol-
 erable nuisance, filling the air with noxious stenches, and poisoning

the water of the vicinity, upon this proposition we defy successful contradiction. It is not just for others living remote from this nuisance to make statements upon the authority of interested parties, and thus fasten upon us a most outrageous nuisance.

It is an unfair inference when it is inferred that because a slaughter house is prohibited in a certain locality, that it is a blow to the entire trade. It is far from this, it is simply saying that the people of a populous neighborhood shall not be required to suffer from a slaughter house, located in a situation in every way unsuitable.

We further represent that the promises made by the owners again, and again have been violated, that it would be an act of flagrant injustice to take them again.

That it is neither just nor expedient to experiment for the benefit of a few at the expense of hundreds of good, law abiding citizens, that this is just what Barnabis Coffin asks you to do. If experiments must be made, let them be made in the other permanent structures already erected.

That the proffer of a bond by Barnabis Coffin amounts to nothing, because a bond to indemnify against an illegal act is utterly void; that if it were valid, the men who are most interested, have not the means to litigate with the wealthy gentlemen who are interested in this slaughter house.

That the buildings now on the premises are worth but a few hundred dollars, and that the land will appreciate five times the value of these buildings if the slaughtering business is prohibited, the owners will gain not lose.

That the long continuance of the business has been in defiance of the wishes of the residents of that vicinity, and only allowed because of promises which you are now asked to assist in violating.

That to place, as the petitioner does, a slaughtering establishment upon an equal footing with manufacturers generally, every one knows, is utterly and entirely unwarranted. To state the proposition that to oppose a slaughter house is to oppose the manufacturing interest generally, is to expose its utter absurdity, with as much propriety it might be contended that one who opposes the establishment of swine yards on the corner of Washington and Meridian streets, opposes all manufacturers and all pork dealers.

That it is utterly and entirely impossible to carry on the business of slaughtering hogs in a populous neighborhood, and upon a stagnant pond, without creating offensive smells, creating sickness, or annoying the public, that this has never been done.

The statement that the pork trade contributes more to the growth

of the city than any other branch of business, like most of the other statements of the petition, is wholly and entirely erroneous, as must be apparent to every member of your honorable body.

We therefore with greatest respect, but utmost earnestness, remonstrate against the repeal of the ordinance.

C. A. Elliott, D. H. Prunk, Oscar B. Hord, F. Taylor, T. E. Chandler, Aaron Rozier, S. W. Patterson, P. Sharpless, H. Albro, J. B. Hampton, T. J. Morse, Byron K. Elliott, T. B. Elliott, W. O. Sherwood, John Lafever, B. R. Lafever, C. E. Geisendorff, Geo. Merritt, S. B. Corbaley, David Gibson, Wm. Coughlen, Isaac Thalman, and

Which was received.

On motion by Mr. Wiles, the whole matter was made a special order of business for Thursday, March 21st, 1872, at 7½ o'clock P. M.

Mr. Brown introduced Special Ordinance No. 48, 1872, entitled :

An Ordinance to grade and gravel Union street, from the north side of Merrill street to Madison avenue,

Which was read the first time.

Mr. Cottrell introduced Special Ordinance No. 49, 1872, entitled :

An Ordinance to grade and pave with brick the east sidewalk of New Jersey street, from Pogue's Run to South street,

Whibh was read the first time.

Mr. Cottrell offered the following motion :

Moved: That the Street Commission be instructed to have the crossing of the street immediately south of the Junction railroad

depot, where it crosses the sidewalk on New Jersey street, properly bouldered.

Which was adopted.

Mr. Craft presented the following communication :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The undersigned would most respectfully say and show unto your honorable body that he is the owner of a grain elevator, situated upon the east side of Delaware street, near the crossing of the Union railway track of said city, which he has constructed at great expense, and is of the present value, as it is now situated, of about thirty thousand dollars ; and that said elevator is located upon ground he holds by virtue of a lease, renewable at his pleasure, of the Indiana Central Railway Company. That during the year 1871, and for each year several years previous thereto, the undersigned received by delivery from wagons at his elevator, by approach upon said Delaware street, about ten thousand wagan loads of grain per year, and there was delivered into wagons, which left his said elevator by way of Delaware street, over one thousand wagon loads of grain per year, making a total of traffic at his elevator during each year, through said street, of over three hundred and thirty thousand bushels of grain, not including shipments or receipts by means of railroad cars.

The undersigned further, most respectfully, shows unto this honorable body that he is informed the Committee of this Council have made, so far as they lawfully might, a location of the bridge to be built for said city upon said Delaware street over the Union railway tracks, and have located the same upon the side instead of the centre of the street, so that upon the east side of said street said bridge will be only nine feet from the curbstone of the east sidewalk, and in consequence of the street gutter will leave not only no room for wagons to pass each other, but will render the passage of single wagons inconvenient if not dangerous ; while upon the west side of said street a space of thirty-one feet is left between the curbstone of the sidewalk and the bridge. The undersigned would most respectfully say that even if said bridge could be legally located so that the middle line thereof should be upon the middle of the street, the

erection thereof would cause him and his said business much damage, and that the location of the same upon the east side of the street would greatly increase such damage and greatly depreciate the value of his property, and very seriously effect if not ruin his business.

The undersigned would further, most respectfully, say that he is informed that this honorable body has never as yet adopted the location made by their said Committee.

The undersigned while properly appreciating the motives of the Council, in endeavoring to secure a safer transit of passengers over our city railroad crossings, yet does not concede the legal right of the city, after business has become established and capital invested upon faith of an uninterrupted use of a street, to so change the street as to injure the value of property and destroy the business so built up.

The undersigned therefore respectfully remonstrates against the erection of said bridge; and he especially remonstrates against such action upon the part of this honorable body as shall fix the location of said bridge so as unfairly and unjustly to discriminate against him in favor of property owners upon the opposite side of the street.

F. P. RUSSELL.

Which was referred to the Special Committee on the Delaware Street Bridge.

Mr. Gimber offered the following motion :

Moved : That Thomas Russell be allowed the privilege of cutting down the dead trees, and using the same, from the city lot on White river, commonly known as the dead animal burying ground.

Which was not adopted.

Also, the following motion :

Moved : That the Street Commissioner be and is hereby directed to build a fence or some kind of protection on the south side of Washington street, on the east side of the bridge on the lower arm of the canal.

Which was adopted.

Also, the following motion :

Moved: That the City Clerk be and the same is hereby directed to advertise for proposals for the construction of an "iron bridge," according to plans and specifications, of the City Civil Engineer, as the present bridge is in a dangerous condition, and not wide enough for the travel over that bridge; the said iron bridge is to be built over the lower arm of the canal on Washington street.

Mr. Craft offered the following motion :

Moved: That the Water Works Company be ordered to build a new bridge over the west arm of the canal.

Which were referred to the City Attorney.

Mr. Heckman presented the following order of vacation :

Comes now Henry Mankedick, President of the Board of Trustees of the German Protestant Orphan Association, and presents to the Common Council, of the city of Indianapolis, a petition praying for the vacation of certain alleys and lots therein named, which petition and the proper plat of said alleys and the surrounding premises was filed with the City Clerk on the 7th day of February, 1872. And which petition is in these words :

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

GENTLEMEN—The undersigned, President and Trustees of the German Protestant Orphan Association, respectfully ask your honorable body to pass an order to vacate a fifteen feet alley, running east and west from Spruce to Ried street in said city, on the north side of lots 3 and 6 in square No. 11, in the south-east addition to the city of Indianapolis; and also, to vacate two short alleys fifteen feet wide, one running from said alley to Mankedick street, immediately on the west side of lot 36, in lot 2 in said square 11, the other alley running from said alley to said Mankedick street, immediately on the east side lot 7, in said square 11. And also to

vacate lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57, in lots 2 and 7 in said square 11, being all the lots laid off between Mankedick street and the alley first above named, on the north and south, and Spruce and Ried streets on the east and west, a plat of which is filed herewith. The German Protestant Orphan Association is the only party or parties which can be affected by such vacation.

H. Mankedick, President; Fred Borgmann, John Helm, August Heideureich, Fred Sanders, H. H. Koch, W. Henscen, Trustees. Wm. S. Hubbard, Nicholas McCarty, E. B. Martindale, owners of the south-east addition.

And thereupon said Henry Mankedick, President as aforesaid, exhibits to said Council the written assent of the persons owning property adjoining said alleys, duly acknowledged before a Justice of the Peace of Marion county, which assent and acknowledgment are in these words:

"We, the undersigned, President and Trustees of the German Protestant Orphan Association, which Association is the owner of the property immediately adjoining thereto, consent that the following described alleys be vacated by an order, resolution or ordinance of the Common Council of the city of Indianapolis, to-wit: A fifteen feet alley running east and west from Spruce street to Reid street, in said city, on the north side of lots 3 and 6, in square No. 11, in the southeast addition to the city of Indianapolis; and also two short alleys, fifteen feet wide, one running from the aforesaid alley to Mankedick street, immediately on the west side of lot 36, in lot 2, in said square 11, the other alley running from the aforesaid alley to Mankedick street, immediately on the east side of lot 7, in said square 11.

"Witness our hands, February 7th, 1872.

"HENRY MANKEDICK, President.

"JOHN HELM,

"CHRIST. HEIDENREICH,

"FR. BORGMANN,

"FRED. SANDERS,

"H. H. KOCH,

"WM. HENSCHENN,

"Trustees."

STATE OF INDIANA, MARION COUNTY, ss :

Before me, Peter Smock, a Justice of the Peace of said county, on this 7th day of February, 1872, Henry Mankedick, President, and John Helm, Christ. Heidenreich, Fred. Bergmann, Fred. Sanders, H. H. Koch and William Henscherein, Trustees of the German Protestant Orphan Association, acknowledged the execution of the annexed written consent.

Given under my hand and seal the date above written.

PETER SMOCK, J. P. [Seal.]

And he also presented the Common Council proof of the posting up, in the vicinity of said alleys, of three notices of the pendency of said petition, more than twenty days before the present meeting of said Council, which notices and proof thereof are in these words :

NOTICE OF VACATION.

Notice is hereby given of the pendency of a petition before the Common Council of the city of Indianapolis, praying for the vacation of a fifteen feet alley, running east and west from Spruce street to Reid street in said city, on the north side of lots No. 3 and No. 6, in square No. 11, in the southeast addition to the city of Indianapolis; and also to vacate two short alleys fifteen feet wide, one running from aforesaid alley to Mankedick street, immediately on the west side of lot No. 36, in-lot 2, in said square 11; the other alley running from the aforesaid alley to said Mankedick street, immediately on the east side of lot No. 7, in said square 11; and also to vacate lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57, in-lots 2 and 7, in said square 11, and that the matter will be acted upon by Common Council on the evening of Monday, the 11th day of March, 1872.

JNO. R. CLINTON, City Clerk.

February 7, 1872.

STATE OF INDIANA, }
 COUNTY OF MARION, } ss. :
 CITY OF INDIANAPOLIS, }

Henry Mankedick, being duly sworn according to law, deposes and says, on the 7th day of February, 1872, he posted three notices of which the annexed is a true copy, along the line and vicinity of said alley proposed to be vacated, to-wit: one in the east end of said alley, and second about two hundred feet north of said alley, and the third some two hundred feet south of said alley; the first being

posted on a tree, the second on a fence post, and the third on a tree, each being posted in a conspicuous place, where they were most likely to attract public attention.

HENRY MANKEDICK.

Subscribed and sworn to before me, on this the 9th day
[SEAL.] of March, A. D. 1872.

WILL. F. A. BERNHAMER,
Notary Public.

And he also presented to said Common Council proof of the publication of notice of the pendency of said petition, for three weeks successively in the Indiana State Journal, more than twenty days before the present meeting of the Council, which notice and proof are in these words :

“NOTICE OF VACATION.

“Notice is hereby given of the pendency of a petition before the Common Council of the city of Indianapolis, praying for the vacation of a fifteen foot alley running east and west from Spruce street to Reid street, in said city, on the north side of lots 3 and 6, in square No. 11, in the southeast addition to the city of Indianapolis; and also to vacate two short alleys, fifteen feet wide, one running from the aforesaid alley to Mankedick street, immediately on the west side of lot 36, in lot 2, in said square 11; the other alley running from the aforesaid alley to said Mankedick street, immediately on the east side of lot 7, in said square 11; and also to vacate lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, and 57, in lots 2 and 7, in said square 11. And that the matter will be acted upon by the Common Council on the evening of Monday, the 11th day of March, 1872.

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“JNO. R. CLINTON, City Clerk.”

STATE OF INDIANA, }
MARION COUNTY, } ss.

Personally appeared before the undersigned, Ansel C. Grooms, Notary Public, Henry A. Loudon, clerk for Indianapolis Journal Comyany, publishers of the Weekly Indiana State Journal, a newspaper of general circulation, printed and published in the City of Indianapolis, in the county aforesaid, who being duly sworn, upon his oath saith, that the notice of which the attached is a true copy,

was duly published in said paper for three weeks successively, the first of which publication was on the 16th day of February, 1872, and the last on the 1st day of March, 1872.

HENRY A. LOUDEN.

Subscribed and sworn to be before me, this ninth (9) day
[SEAL.] of March, 1872.

ANSEL C. GROOMS,
Notary Public.

And thereupon, the Common Council, having examined and considered the premises and all matters and things pertaining thereto, orders that the alleys and lots mentioned and described in said petition, to-wit: A fifteen feet alley running east and west from Spruce street to Reid street in said city, on the north side of lots 3 and 6, in square No. 11, in the southeast addition to the city of Indianapolis; and also two short alleys, fifteen feet wide, one running from said alley to Mankedick street, immediately on the west side of lot 26, in lot 2 in said square 11, the other alley running from said alley to Mankedick street, immediately on the east side of lot 7, in said square 11; and also lots 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56 and 57, in lot 2 and 7 in said square 11, being all the lots laid off between Mankedick street and the alley first above named on the north and south, and Spruce street and Reid street on the east and west, be and the same are hereby vacated, and the plat thereof heretofore made and recorded in the Recorder's office of Marion county, Indiana, is declared to be null and void from henceforth.

Which was adopted, and vacation ordered by the following vote:

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Negative—None.

Mr. Kennington offered the following motion:

Moved: That Daniel Sewege be allowed the privilege of laying the pavement on Pennsylvania street opposite his property, and that the City Civil Engineer be directed to set the grade stakes.

Which was adopted.

Mr. Kennington offered the following motion :

Moved: That the Street Commissioner be directed to put stone crossing on Meridian street, at the crossing of South street.

Which was adopted.

Mr. Kennington introduced Special Ordinance No. 50, 1872, entitled :

An Ordinance to grade and pave the sidewalk on Madison avenue, between Meridian and McCarty streets.

Which was read the first time.

Mr. Locke presented the following petition :

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—The undersigned parties would respectfully state to your honorable body that they are the owners of the real estate hereafter mentioned, to-wit: The said Samuel Merrill is the owner in fee of the east four-tenths of lot 24, in the Commissioners subdivision of the north-east quarter of section 36, township 16, north of range 3 east, commonly known as Johnson heirs addition to the city of Indianapolis. Mrs. Mary Poor is the sole owner in fee of lot No. 18, Aaron Clem is the sole owner in fee of lot No. 19, and J. Perry Elliott is the sole owner in fee of lot No. 28, all of said last named lots being in Phillips sub-division of the west six-tenths of said lot 24 in Johnsons heirs addition aforesad.

Your petitioners further represent, that by the deeds under which they hold, and by the plat of said Phillips sub-division, a 16 foot alley runs north and south along the east side of said Phillips sub-division, and along the line dividing the east four-tenths from the west six-tenths of said lot 24 in Johnsons heirs addition, that said alley extends from the south to the north lines of said lot 24, and parallel to its east line. Your petitioners further state that said alley is not in line with the alleys in the adjacent block in said addition, nor in accordance with any general plan. Your petitioners are the owners of all the ground abutting on said alley. Your petitioners further state that said Samuel Merrill, the owner of the east four-tenths of said lot 24, is intending to plat said ground and to lay off an alley in lieu of the alley now in question but somewhat further to the eastward, and that said proposed alley will be in accordance with alleys in the adjacent block, and of more general use than the alley now existing in said lot.

Wherefore, Your petitioners would respectfully ask your honorable body to order the vacation of the present 16 foot alley, running from the south to the north lines of lot 24, in the sub-division of the north-east quarter of section 36, township 16, north of range 3 east, made by the commissioners in the partition of the estate of Thomas Johnson among his heirs, said alley passing along the line between the east four-tenths and the west six-tenths of lot 24, in the addition above named. And your petitioners will ever pray, etc.

Samuel Merrill, J. Perry Elliott, Aaron Clem, Mary C. Poor, A. P. Poor.

Also, the following :

Know all men by these presents, that we, Samuel Merrill—being the owner of the east four-tenths of lot 24, in Johnson's heirs subdivision of the north-east quarter of section 36, township 16 north, range 3 east; J. Perry Elliott, being the owner of lot 28 in Phillips' subdivision of lot 24, in Johnson's heirs addition aforesaid; Aaron Clem, being the owner of lot 19, in said Phillips subdivision above named; and Mary Poor, and Aurelius P. Poor, her husband; said Mary being the owner of lot 18, in Phillips subdivision above named; said parties being residents of Marion county, Indiana, and severally the owners of the lots above named, being all the lots abutting on the 16

foot alley running from the south to the north lines of lot 24, in Johnson's heirs addition above named; said alley passing along the line dividing the east four-tenths of said lot from the west six-tenths of the same, do hereby severally "consent in writing" to the vacation of said alley, by the Common Council of the City of Indianapolis, on a petition now pending before the said Council for the vacation of said alley.

In witness of which the said Samuel Merrill, Aaron Clem, J. Perry Elliott, Mary Poor, and Aurelius P. Poor, her husband, who joins her in this act, hereto subscribe their hands and seals this 18th day of March, 1872.

SAMUEL MERRILL,	[SEAL.]
J. PERRY ELLIOTT,	[SEAL.]
AARON CLEM,	[SEAL.]
MARY C. POOR,	[SEAL.]
A. P. POOR.	[SEAL.]

STATE OF INDIANA, }
MARION COUNTY. } ss.

Before me, Wm. H. Hay, a Notary Public in and for said State and county, personally came Samuel Merrill, J. Perry Elliott, Aaron Clem, Mary Poor, and Aurelius P. Poor, her husband, and severally acknowledged the execution of the foregoing "consent in writing" as their act and deed.

Witness my hand and notorial seal this 18th day of
[SEAL.] March, 1872.

W. H. HAY,
Notary Public.

Which were referred to the Committee on Streets and Alleys.

Mr. Newman offered the following motion :

Moved: That the Street Commissioner be directed to open the gutter on the east side of North Pennsylvania street, between Washington and Market streets, so as to permit the water to flow off, also at corner of Meridian and ——— streets, Milton Landis residence.

Which was adopted.

Mr. Reagan offered the following motion :

Moved: That the Councilmen of the First, Fourth and Fifth Wards be authorized to procure suitable places in which to hold their Ward elections, and report the same to this Council.

Which was referred to the Committee on Schools.

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

INDIANAPOLIS, March 18, 1872.

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

GENTLEMEN—Your Committee on Streets and Alleys to whom was referred the petition of Peter Goth and others, asking the vacation of a street between Olive street and Western avenue, in Johnsons heirs additions, have examined the papers, proofs, and other proceedings in the case, and find them regular in form and sufficient in law, and as no remonstrance has been made to said vacation, we recommend that said street be vacated as prayed for, and submit the following order of vacation for the action of the Council.

Respectfully submitted,

ISAAC THALMAN,
JOHN L. MARSEE,
CHRIS. HECKMAN,
Committee on Streets and Alleys.

ORDER OF VACATION.

WHEREAS, Among the proceedings of the Common Council, of the city of Indianapolis, appear the following petition, filed February 12, 1872, in the Common Council of the city of Indianapolis, and by said council referred to the Committee on streets and alleys.

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

GENTLEMEN—The undersigned petitioners would respectfully represent that a certain un-named street extends from Oliver street west to Western avenue, between lots 14 and 15, in Johnsons heirs additions to the city of Indianapolis, that its location is not in accordance with any general plan, and its existence is not necessary for the

convenience or accommodation of any of the adjoining property holders, or of the residents of the vicinity, or of the city at large.

Your petitioners would further represent unto your honorable body, that they are the sole owners of all the property fronting on both sides of said street throughout its entire length, and that they are the only persons directly affected by the continuance or vacation of said street. Your petitioners would therefore ask your honorable body to order the vacation of said street above described, from Oliver street to Western avenue, and they will ever pray, &c.

Tillman H. Johnson, Peter Goth, Maria L. Filer, S. J. Filer.

AND WHEREAS, The following consent in writing was also duly filed in the office of the City Clerk, to-wit, on the — day of March, 1872:

We, Tillman Johnson, Peter Goth, and Maria L. and Samuel J. Filer, being the sole owners of all the property fronting on both sides of a certain unnamed street, extending from Oliver street west to western avenue, between lots 14 and 15 in Johnson's heirs addition to the City of Indianapolis—having petitioned the Common Council of said city to order the vacation of said street—do now severally and fully consent in writing by this instrument to the vacation of said street, and quit claim all interest in the continuance of said street as it is now located.

Witness our hands and seals at Indianapolis, this February 12, 1872.

TILLMAN A. H. JOHNSON,	[SEAL.]
PETER GOTH,	[SEAL.]
M. L. FILER,	[SEAL.]
S. J. FILER.	[SEAL.]

STATE OF INDIANA, }
MARION COUNTY, } ss.

Before me, M. R. Barnard, a Notary Public in and for said State and county, this February 12, 1872, Peter Goth, Tillman A. H. Johnson, Maria L. Filer, and Samuel J. Filer, acknowledge the execution of the foregoing written instrument as their act and deed jointly and severally.

[SEAL.] Witness my hand and notarial seal.

M. R. BARNARD,
Notary Public.

AND WHEREAS, The following notice and proof of the publication thereof was duly filed in the office of the City Clerk, on the — day of March, 1872, to-wit:

NOTICE OF VACATION.

Notice is hereby given that a petition by the undersigned is now pending before the Common Council of the City of Indianapolis for the vacation of a certain unnamed street extending from Oliver street west to Western avenue, between lots 14 and 15 in Johnson's heirs' addition to the City of Indianapolis.

The said petition will be acted upon by the Common Council of said city at its meeting on the 4th day of March, 1872, or at some subsequent meeting.

PETER GOTH,
SAMUEL J. FILER,
MARIA L. FILER,
TILLMAN A. H. JOHNSON,
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INDIANAPOLIS, Feb. 12, 1872.

STATE OF INDIANA, }
MARION COUNTY, } ss.

Before me, a Notary Public, in and for said State and county, personally came John H. Holliday, of the "Daily Evening News," a newspaper of general circulation, printed and published in the City of Indianapolis, in said State and county, who being duly sworn on his oath saith, that the notice of which the above and foregoing is a true copy, was duly published in said paper for three weeks successively, the first of which publications was on the 12th day of February, 1872, and the last on the — day of March, 1872, and further saith not.

JOHN H. HOLLIDAY.

Subscribed and sworn to before me the 6th day of March,
[SEAL.] 1872.

M. R. BARNARD,
Notary Public.

AND WHEREAS, The following notice and proof of the posting thereof was duly filed with the City Clerk, to-wit, on the — day of March, 1872:

NOTICE OF VACATION.

Notice is hereby given that a petition by the undersigned is now pending before the Common Council of the City of Indianapolis for the vacation of a certain unnamed street extending from Oliver street west to Western avenue, between lots 14 and 15, in Johnson's heirs' addition to the City of Indianapolis.

The said petition will be acted upon by the Common Council of said city at its meeting on the 4th day of March, 1872, or at some subsequent meeting.

PETER GOTH,
SAMUEL J. FILER,
MARIA L. FILER,
TILLMAN A. H. JOHNSON.

INDIANAPOLIS, Feb. 12, 1872.

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STATE OF INDIANA, }
MARION COUNTY } ss.

Before me, a Notary Public in and for said State and county, this — day of March, 1872, personally came M. R. Barnard, who being duly sworn on oath saith, that on the 12th day of February, 1872, he posted three written notices (of which the above and foregoing is a true copy) at the several points along the line of the street mentioned in said notice, and further saith not.

M. R. BARNARD.

Subscribed and sworn to before me the day and year
[SEAL.] above written.

GEO. W. POWELL,
Notary Public.

AND WHEREAS. Said papers and proceedings have been examined by the Committee on Streets and Alleys, and it appearing from their report that the same are regular in form and sufficient in law, and further, that no remonstrance appears to have been made to the vacation of said street as described by said petitioners. Therefore it is by the Mayor and Common Council, of the city of Indianapolis,

Ordered, That the prayer of the petitioners be granted, and that the un-named street extending from Oliver street west to Western avenue, between lots 14 and 15 in Johnsons heirs addition to the city of Indianapolis, be wholly vacated and abandoned for public use, and that the ground now occupied by said street revert to the adjoining property holders under the laws.

Which was concurred in, and the vacation ordered.

Mr. Thalman offered the following motion :

Moved: That the Street Commissioner notify the Water Works

Company and Gas Company to immediately repair the streets where they have ditched across. On West street, between canal and Indiana avenue; on Michigan street, between canal and Tennessee street; on Meridian street, between Washington and Maryland streets; on Indiana avenue, between Illinois street and canal, and if the order is not complied with in ten days from date of notice, that he have the work done and collect the cost from the companies.

Which was adopted.

Mr. Thalman offered the following motion :

Moved: That Chandler and Taylor have permission to put down a wooden or bowldered crossing across the sidewalk in front of their machine works on Washington street.

Which was adopted.

Mr. Thoms offered the following motion :

Moved: That Mr. F. Hereth be permitted to move a one story frame house from the north side of Washington street, between New Jersey and East streets, to the west side of East street between Washington and Market streets, and that the above building be removed from the above said ground within ninety days.

Which was adopted.

Mr. Wiles offered the following motion :

Moved: That the I. & V. Railroad be allowed a further time of sixty days to remove their track from the sidewalk on Kentucky avenue.

Which was adopted.

Mr. Wiles offered the following motion :

Moved: That Mr. Bennett be permitted to pave with hard burnt brick the sidewalk in front of his property on the north side of Gregg street. The work to be done under direction of the Civil Engineer, who is hereby directed to set the grade stakes.

Which was adopted.

Mr. Wiles offered the following motion :

Moved: That Judge Lamb and Wm. A. Bradshaw be permitted to grade and gravel the sidewalk in front of their property on Western avenue, and that the Civil Engineer be instructed to set the grade stakes.

Which was adopted.

Mr. Wiles offered the following motion :

Moved: That James Loueks be permitted to grade and pave with brick, and curb with stone the outside edge of the sidewalk in front of his property on St. Clair street, and that the Civil Engineer be instructed to set the grade stakes. Said work to be done in ninety days.

Which was adopted.

Mr. Wiles offered the following resolution :

WHEREAS, It is represented to this Common Council that Messrs. Allen and Root, in laying off and platting what is called Allen & Root's northern addition to the City of Indianapolis, laid off and platted among others, lots numbered 29, 40, 97, 108, 165, 176, 233, 15. 54, 83, 122, 151, 190, and 219, which plat was duly recorded in the Recorder's office of Marion county. That after having said plat recorded, said Allen & Root revised and changed said plat by making two additional streets through said addition east and west from Fort Wayne avenue to the first alley west of Delaware street, which embrace the lots above described, and had a plat or plats of such revision duly made, and the city has improved other streets which cross said additional streets.

AND, WHEREAS, It is further represented that said Allen & Root

have sold, and are now offering for sale, the same lots which they had appropriated for the purpose of said cross streets, in fraud of prior purchasers of lots in said addition; therefore,

Resolved, That the city attorney be directed to bring such suit or suits in the name of the city, uniting with such persons as may be interested, as may be necessary to protect the rights of the city and such persons.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Weaver, Whitsit, Wiles and Woodburn—18.

Negative—None.

On motion, the Council adjourned to meet Thursday evening, March 21, 1872.

DANIEL MACAULEY.

Mayor.

ATTEST :

JOHN R. CLINTOM,

City Clerk.