

PROCEEDINGS
OF THE
COMMON COUNCIL

REGULAR SESSION

CHAMBER OF THE COMMON COUNCIL OF THE }
CITY OF INDIANAPOLIS, }
Monday, April 8, 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, Thalman, Thoms, Wiles and Woodburn—16.

Absent—Councilmen Weaver and Whitsit—2.

The proceedings of the regular session held April 1st, 1872, were read and approved.

Sealed proposals for the construction of a sewer in and upon North Illinois street were opened, read and referred to the Committee on Contracts.

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

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—Your Committee on Contracts to whom was referred sundry proposals for improvement of streets, have examined the same and would recommend that the contracts be awarded as follows :

FIRST.

To grade and gravel Park avenue, and pave the sidewalks with brick, from Christian to Forest Home avenue, to Messrs. Hanway and Company at one dollar and five cents per lineal foot front, on each side of the line improved.

SECOND.

To grade and pave with brick the west sidewalk of New Jersey Street, from Merrill to McCarty street, to Thos. Roney at fifty cents per front foot, on the line improved.

THIRD.

To grade and pave with brick the north sidewalk on New York street, between Massachusetts avenue and East street, to James W. Hudson at fifty-nine cents per lineal foot front, on the line improved.

Respectfully submitted,

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

Which was concurred in.

The City Clerk made the following report :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The City Clerk respectfully report contract and bond of Sam Hanway & Co., for grading and graveling Park avenue, and pave with brick the sidewalks, from Christian to Home avenues.

Respectfully submitted,
JOHN R CLINTON,
City Clerk.

Which was received, the contract awarded and the bond approved.

The City Clerk made the following report :

INDIANAPOLIS, April 1, 1872.

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

GENTLEMEN—The City Clerk respectfully reports the following affidavit now on file in his office, for the collection of street improvement assessment by precept, to-wit :

S. Hanway and Co. vs. Thomas Wren..... \$37 50

And respectfully recommend that you order the precept to issue.

Respectfully submitted,
JOHN R CLINTON,
City Clerk

Which was concurred in, and precepts ordered to issue.

The City Attorney made the following report :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The matter of the ordering of the Water Works Company to build a new bridge on the west arm of the canal on Washington street, has been referred to me without indicating the reason for the reference.

I venture to say that in my opinion the Common Council has no power to require or compel the Water Works Company to build such bridge.

Respectfully submitted,

J S HARVEY,

City Attorney.

Which was received.

The Street Commissioner made the following report:

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—I have the honor to lay before your honorable body the accompanying letters, circulars, pamphlets, etc., containing printed testimony in relation to the practical working of the Aveling and Porter Steam Road Roller.

I have no experience in steam road rolling, but am satisfied that the plan of rolling gravel roads is a good one, and gravel being the material out of which the greater part of our streets are, and probably will be made, I think the plan a very practical and economical one for our city, provided a good working machine can be procured. I would therefore suggest that a committee be appointed to investigate the subject.

Respectfully submitted,

A BRUNER,

Street Commissioner.

Which was received, and the matter referred to a Special Committee consisting of Councilmen Craft, Cottrell, Wiles and the Street Commissioner.

The Street Commissioner made the following monthly report:

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—I have the honor to report the following work done in the street repairing department since March 1st, 1872:

FIRST WARD.

Repaired the culvert on New Jersey and Michigan streets.....	\$4 00
Repaired the culvert on Vermont and Railroad streets.....	5 00
Repaired the culvert on New Jersey and Vermont street.....	3 00
Made cinder crossings on Liberty street, between New York and North streets.....	18 00
Made cinder crossing on New Jersey and New York streets...	3 00
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	\$33 00

SECOND WARD.

Scraped Massachusetts avenue between North street and Peru railroad	\$12 00
Made cinder crossing on St. Clair and Alabama streets.....	3 00
Repaired the culvert on Peru street and Christian avenue.....	4 00
Made cinder crossing on Cherry street and Ft. Wayne avenue.	11 00
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	\$30 00

THIRD WARD.

Repaired the culvert on Mississippi and North street.....	\$7 00
Repaired the gutter, made cinder crossing on Tennessee street, between Market and Tinker streets.....	48 00
Scraped Illinois street between Ohio and Tinker streets.....	20 00
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	\$75 00

FOURTH WARD.

Repaired the culvert on Market and Mississippi streets.....	\$10 00
Repaired the culvert on West and New York streets.....	5 00
Put 4 foot bridges on Michigan and California streets.....	16 00
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	\$31 00

FIFTH WARD.

Put foot bridge on Tennessee and Georgia streets.....	\$4 00
Put foot bridge on Maryland and West streets	4 00
Leveled up the crossing of Georgia street and Kentucky avenue, and made cement pipe connection with the sewer catch basin	195 00
Removed the old wooden culvert, leveled up the crossing and	

put in cement pipe connections across the sidewalks on Kentucky avenue and Maryland street.....	180 00
Put foot bridge on Illinois street and Madison avenue, also made cinder crossing at same point.....	7 00
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	\$390 00

SIXTH WARD.

Made cinder crossing on South street.....	\$11 00
Made cinder crossing on Madison avenue.....	9 00
Put 1 foot bridge and cinder crossing on Illinois street and Madison avenue.....	7 00
Put 4 foot bridges on Union and Williams street.....	16 00
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	\$43 00

SEVENTH WARD.

Repaired the sidewalk on Alabama street, between Merrill and McCarty streets.....	\$38 00
Repaired the sidewalks on New Jersey street, between Merrill and South streets.....	18 00
Repaired the sidewalks on Merrill street.....	11 00
Made cinder crossings on Alabama street.....	9 00
Made cinder crossings on McCarty street.....	7 00
Put foot bridge on Alabama and Maryland streets.....	4 00
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	\$87 00

EIGHTH WARD.

Put 4 foot bridges on Hosbrook and Grave streets.....	\$16 00
Made cinder crossing on Fletcher avenue and Pine street.....	9 00
Made cinder crossing on Noble and Grave street.....	7 00
Made cinder crossing on Greer and McCarty streets.....	6 00
Made cinder crossing on School and South street.....	4 00
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	\$42 00

NINTH WARD.

Removed the dirt from the crossing on Ohio and Pennsylvania streets.....	\$12 00
Filled up the cut through the sidewalk at the upper end of the Market street sewer.....	19 00

Repaired the culvert on Alabama and Market streets.....	6 00
Repaired the culvert on Market and New Jersey streets.....	4 00
	\$41 00

BRIDGES.

Repaired the bridge over the railroad tracks on Noble street..	\$7 00
Repaired the bridge over Pogues' Run on Alabama street.....	9 00
Repaired the bridge over Pogues' Run on Pennsylvania street.	19 00

RECAPITULATION BY WARDS,

Showing the amount on hand Mar. 1, 1872, the amount appropriated Mar. 4, 1872, the amount expended since Mar. 1, 1872, and the amount on hand at the present date.

WARDS.	Deficit Mar. 1, 1872.	Balance on hand Mar. 1, 1872.	Appropriated Mar. 4, 1872.	Total with Appropriation.	Amount expended since Mar. 1, 1872.	Balance on hand.	Deficit.
First Ward.....	.....	\$130 00	\$500 00	\$630 00	\$33 00	\$567 00	.....
Second Ward.....	.....	188 00	500 00	688 00	30 00	658 00	.....
Third Ward.....	.....	156 00	500 00	656 00	75 00	581 00	.....
Fourth Ward.....	.....	216 00	500 00	616 00	31 00	585 00	.....
Fifth Ward.....	\$6 00	.....	500 00	494 00	390 00	104 00	.....
Sixth Ward.....	.....	89 00	500 00	589 00	43 00	646 00	.....
Seventh Ward.....	.....	192 00	500 00	692 00	87 00	605 00	.....
Eighth Ward.....	.....	49 00	500 00	549 00	42 00	507 00	.....
Ninth Ward.....	.....	146 00	500 00	646 00	41 00	605 00	.....
Bridge fund.....	.....	159 00	.....	752 00	.....	717 00	.....
Miscellaneous.....	248 00	.....	1,000 00	159 00	35 00	159 00	.....
Total.....	\$254 00	\$1,425 00	\$5,500 00	\$6,471 00	\$807 00	\$5,764 00	.....

Respectfully submitted,

AUGUST BRUNER,

Street Commissioner.

Which was received.

The City Treasurer made the following report :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—I respectfully report that Gen. R. S. Foster, Ex-Treasurer, has paid into the City Treasury the sum of (\$159,394 53) one hundred and fifty-nine thousand three hundred and ninety-four dollars and fifty-three cents, which together with the sum of \$5,490,44 the amount of his percentage for the fiscal year 1870, makes a total of \$164,884 97, which being the amount due the city according to his corrected report.

Respectfully submitted,

JOHN W COONS,

City Treasurer.

Which was received.

His Honor, the Mayor, Daniel Macauley, offered the following motion :

Moved: That the City Commissioners be instructed to take no action in the matter of extension of Arsenal avenue and Summit street, until after the 22d day of April, 1872.

Which was adopted.

ORDINANCES ON FIRST READING.

Dr. Woodburn presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Tennessee street, between Pratt and First streets, respectfully

petition your honorable body to pass an ordinance providing for grading the alley running north and south from Pratt to First street, and between Tennessee and Mississippi streets, the same to be graded according to the Engineers directions, and after the same is graded to be covered with Rolling Mill cinders to a width of fifteen feet, and to a depth of ten inches in the center and sloping to five inches at the sides; the sidewalks to be graveled to a depth of eight inches with good river or creek gravel, and on top of the cinders a coat of gravel be placed three inches in thickness.

And your petitioners will ever pray, etc.

John H Kevers 240 feet, Frederick Schmidt 160 feet, Jacob Hanch 40 feet.

Which was received.

Dr. Woodburn introduced Special Ordinance No. 70, 1872, entitled :

An Ordinance to grade, gravel and cover with Rolling Mill cinders the alley running north and south from Pratt to First streets, between Mississippi and Tennessee streets.

Which was read the first time.

Mr. Reagan introduced Special Ordinance No. 71, 1872, entitled :

An Ordinance to grade and gravel Merrill street and sidewalks, from Tennessee to Mississippi streets.

Which was read the first time.

Mr. Reagan presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—Your petitioner respectfully represents to your honorable Council that he is the owner of two lots, 180 feet, on Merrill

street, on the south side of block No. 29, in the city of Indianapolis, and the Council has under consideration the grading and graveling of three or four squares on said street, my request to your honorable Council is to have each square let out by itself, so the property holders on a square that does not need so much filling up will not have to pay the same as the squares that need so much filling up. A person who buys a lot on a square that does not need so much filling up he pays more for said lot, another person buys a lot on a square, three or four squares distant, which needs much filling up he does not pay so much for said lot, then is it correct for the person who paid a high price for his lot to pay for the improvement on the square where the person bought his lot so cheap, I think you will answer no such proceedings is not just? The square which I own lots on commences at Missouri street, and there is as much, or nearly as much dirt to take off the high half of said square as will fill up the lower half of said square, between Missouri and Mississippi streets, thus you see that it will not cost so much as some of the squares that from one side of them to the other need more filling up than one half of the square alluded to. If letting out this contract, these squares be put together, is correct, why was it not done so on the south side of this square, Mississippi street, when it was let out for grading and graveling a year or so past, this square and the square north, between South and Garden streets, was let out at one time and they were let out separately, which should be done in this improvement; the square of grading between South and Garden streets was only about forty cents per foot, and the square adjoining was nearly two dollars per foot, between Garden and Merrill streets, if it was correct then it is surely correct now; then your petitioner asks of your honorable body that you will act honorably with me, which I believe you will do when it is properly presented to your honorable body, by presenting this petition I do not favor the improvement, but when the improvement is made it should be so let.

James Greer.

Which was received.

Mr. Reagan introduced Special Ordinance No. 72, 1872, entitled:

An Ordinance to grade and gravel Merrill streets and sidewalks, from Mississippi to Missouri streets.

Which was read the first time.

Mr. Kennington introduced Special Ordinance No. 73, 1872, entitled :

An Ordinance to grade, pave with brick and with curb stone the west sidewalk of Pennsylvania street, between Pogues' Run and Madison avenue.

Which was read the first time.

Mr. Heckman introduced Special Ordinance No. 74, 1872, entitled :

An Ordinance to provide for the erection of lamp posts, lamps and fixtures complete to burn gas, except the service pipe, on Washington street, between Orien street and the corporation line.

Which was read the first time.

Mr. Heckman introduced General Ordinance No. 25, 1872, entitled :

An Ordinance to build a sewer on the first alley east of East street, running parallel with East street to Merrill street, thence on Merrill street 120 feet.

Which was read the first time, and referred to the Committee on Sewers.

Mr. Cottrell introduced Special Ordinance No. 75, 1872, entitled :

An Ordinance to grade, pave with brick and curb with stone, where not already properly paved and curbed, the East sidewalk of Virginia avenue, from Louisiana to South street.

Which was read the first time.

ROLL CALL.

Mr. Batty offered the following motion.

Moved: That the Street Commissioner have posts erected on the north side of the pavement on the south side of the East Market square, so as to prevent the wood wagons from backing on the pavement.

Which was adopted.

Mr. Batty presented the following remonstrance:

INDIANAPOLIS, April 8, 1872.

To the Mayor and Common of the City of Indianapolis:

GENTLEMEN—We the undersigned residing on and owning real estate fronting on the North side of Malott avenue, would respectfully and earnestly remonstrate against the passage of an ordinance, now pending before your honorable body, providing for the paving with brick the north sidewalk on Malott avenue, from the Peru railroad to Columbia street (formerly Barrow street). We have but recently paid for the graveling of said avenue and sidewalks, and consider the sidewalk good enough for the present, and protest against being burdened with the expenses of the improvement proposed in said ordinance.

Granville Stills 194 3-12 feet, J A Weber 49 5-12 feet, Alfred Cahill 189 3-12 feet, Levi Wright 140 3-12 feet, John Frick 195 feet, John Brown and Stills, these parties represent all the property on the north side of said avenue but 6 feet.

Which was received, and on motion Special Ordinance No. 65, 1872, was stricken from the files.

Mr. Batty presented the following petition.

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—We the undersigned, property owners, would respectfully petition your honorable body to take such action as will cause Peru street to be opened and extended from its present southeastern terminus to Massachusetts avenue, to a width of sixty feet.

And your petitioners will ever pray, etc.

Joseph Stumph, G W Lewis, N W Lowe jr., Levi Wright, Mrs M G Jackson, Charles Lauer, Edwin A. Castor.

Which was referred to the Committee on Streets and Alleys.

Also, the following petition :

INDIANAPOLIS, April 1, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on St. Mary street, between Alabama street and Western avenue, respectfully show to your honorable body that they have already, at their own expense and without cost to the city, filled up and graded to the proper height the sidewalks on said St. Mary street in front of their respective lots, lying on the south side of said street.

Therefore we pray that we may have credit for such work as we have already done, and also that we may be permitted to put down a brick sidewalk in front of our said lots, at our own expense and have credit therefor, after the proper grade of such sidewalk is fixed by the City Engineer.

And your petitioners will ever pray, etc.

Daniel Willig, Edmund and H M Griffith.

Which was referred to the Committee on Streets and Alleys.

Mr. Bigham offered the following motion :

Moved: That the City Street Commissioner be and is hereby directed to at once remove the wooden bridges and crossings on the north side of Washington street, between Noble and Cruse streets,

and to fill the places so occupied by said wooden bridges and crossings with dirt, gravel, &c., and that the Street Commissioner take as much of said timber as will be required and erect a foot bridge over Pogues' Run on Ohio street.

Which was adopted.

Mr. Bigham offered the following remonstrance :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—Since the passage of the ordinance for paving Market street, from Pennsylvania to Delaware street, with a wooden block pavement, the Congress has appropriated one hundred thousand dollars (\$1000,000) for an addition to the Post Office, the work of constructing that building will block up and *ase* up any pavement that may be laid. Further more the property owners have no faith in the kind of block pavement you have contracted for, being a square pine block, six inches long, set on the sand, we would prefer the bouldered gutters and gravel street as it now is at the same price we are required to pay for this kind of wooden block. Furthermore we are informed that there was but a few cents difference between the bid for this pavement and a regular Nicholson, which we firmly believe will out-wear five of it.

The ordinance on which this contract was let is void, it not having been signed by the Mayor as require by section 78 of your charter, before the contract was made under it.

We respectfully ask the Council to reconsider the vote by which this contract was let, and postpone the letting until next spring.

We hereby notify the Common Council, and the Contractor Mr. J. J. Palmer, that we protest against the consummation of this contract, and will resist by every legal means the making of such street or any assessment against us for the same.

Andrew Wallace, M H Brown by Andrew Wallace, E B Martindale, David Kregelo, J K Sharpe for 4th Presbyterian Church. If work is let and done this is to give notice that we will not pay the assessment only at the end of a suit, W A Bradshaw, Trustee of 4th Presbyterian Church, Wm Y Wiley.

Which was referred to the City Attorney.

Mr. Brown offered the following resolution :

Resolved, That the City Assessor be directed to assess all property at its cash value, and to equalize any assessment that may have been made for 1872 on this basis.

Mr. Craft moved to refer the resolution to the Committee on Finance.

Mr. Kennington moved to lay Mr. Crafts motion on the table.

Which was adopted by the following vote :

Affirmative—Councilmen Bigham, Brown, Cottrell, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman and Woodburn—11.

Negative—Councilmen Batty, Craft, Newman, Thoms and Wiles—5.

The resolution was then adopted by the following vote :

Affirmative—Councilmen Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Reagan, Thalman, Thoms and Woodburn—13.

Negative—Councilmen Batty, Newman and Wiles—3.

Mr. Brown presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned respectfully petition you honorable

body to pass an ordinance for the laying of cross walks across South Illinois street, at the western termination of Pearl street.

John A Reaume, W N Crain, Egan Bros, W H Roll, Cox & Nelson, N A Randall, J M Solomon, L G Hay, Franklin Life Insurance Co, Jas E Watts, D H Watts, J B Conaty, John Satorins, Geo H Brown, A Cohen, J Frazier, Thos Bryant, J Fox, W R Hogshire, Ira G Williamson, Jeff K Scott.

Mr. Brown moved that the prayer of the petitioners be granted :

Which was adopted.

Mr. Brown offered the following motion :

Moved: That the Street Commissioner give ten days notice to the local agent of the Indianapolis, Cincinnati and Lafayette railroad company that they will be required to remove the trustle work from Pogues' Run adjoining the Gas Works property, between Pennsylvania and Delaware streets, and in case of failure to so remove such trustle work, that the Street Commissioner is hereby authorized to remove the same at the expense of such railroad corporation.

Which was adopted.

Mr. Brown offered the following motion :

Moved: That a Select Committee be appointed with, power to act, to arrange for the change of water and gas pipes, and for the protection of railroad tracks and sewers during the construction of the Illinois street tunnel.

Which was adopted, and his Honor appointed as such Committee Councilmen Brown, Marsee and Locke.

Mr. Brown offered the following motion :

Moved: That the City Marshal and Chief of Police be instructed to enforce the provisions of section 19, of the ordinances regulating

and protecting streets, alleys, sidewalks, &c., &c., ordained December 28, 1863, page 156 of the Revised Ordinances, which prohibits the throwing into Pogues' Run filthy and other substances.

Which was adopted.

Mr. Brown offered the following preamble and resolution :

WHEREAS, The growth of our city is such that the necessary expenditures required to furnish good bridges, good streets and street crossings, an efficient fire and police department, the lighting the public lamps, and such other items of legitimate expenditures as are necessary to secure health and convenience to our people, will absorb all our revenues for the ensuing year. *Therefore be it*

Resolved. That this Council pledges itself to make no appropriation in aid of any railroad or manufacturing enterprise, or as donations for any purpose whatever.

Dr. Woodburn offered the following amendment :

Except in cases of benevolence and charity.

Which was adopted.

The preamble and resolution as amended was then adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Craft, Gimber, Kennington, Reagan, Thalman and Woodburn—9.

Negative—Councilmen Cottrell, Heckman, Locke, Marsee, Newman, Thoms and Wiles—7.

Mr. Cottrell offered the following motion :

Moved: That the City Clerk be instructed to report how much money has been paid by the city to the Marion county Courts, from the first of March 1871, to March 1, 1872, and to whom paid and for what paid.

Which was adopted.

Mr. Cottrell offered the following motion :

Moved: That in the coming city elections for one Councilman from each Ward, that the selection of inspectors and judges shall be chosen in the following manner: One inspector and judge for each Ward shall be designated by the Republican members of the Common Council, and one judge from each Ward shall be selected by the Democratic members of the Common Council.

Which was adopted.

Mr. Cottrell offered the following motion :

Moved: That the City Engineer be instructed to give Samuel Lefever a final estimate for grading and bouldering the first alley east of Delaware street, between Cumberland and Maryland streets.

Which was referred to the City Civil Engineer.

Mr. Craft presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on the north side of Lockerbie street, between Liberty and Noble streets, respectfully petition your honorable body to pass an order giving us the privilege of grading and graveling the north sidewalk on Lockerbie street, between Liberty and Noble streets, and direct the Engineer to give us the stakes.

And your petitioners will ever pray, etc.

James Pierce, Christ Neermann, Samuel Shank, Frederick Simon, F Dunnmeyer.

Which was received.

Mr. Craft introduced Special Ordinance No. 76, 1872, entitled:

An Ordinance to grade and gravel the north sidewalk of Lockerbie street, from Liberty to Noble street.

Which was read the first time.

Mr. Craft offered the following motion:

Moved: That the Committee on Parks consider and report to this Council, on next Monday night, the propriety of opening University and Circle parks to the public at an early day.

Which was adopted.

Mr. Brown moved to reconsider the vote by which the Council at its last meeting, laid upon the table, a communication from the Indianapolis Gas Light and Coke Company.

Which was adopted by the following vote:

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Wiles and Woodburn—16.

Negative—None.

Mr. Brown then moved that the prayer of the petitioner be granted for the paving only.

Which was adopted.

The Committee on Revision of Ordinances was instructed to draft and introduce a new ordinance for the paving only of the east sidewalk of Pennsylvania street, from Washington street to Madison avenue, excepting so much as is owned by the Indianapolis Gas Light and Coke Company.

Mr. Gimber offered the following motion :

Moved: That Mr. Bacher, Frankenstein and Rally, be allowed the privilege of paving with brick the sidewalk in front of their property on Meridian street, the same to be done at their own expense and to the satisfaction of the City Engineer.

Which was adopted.

Mr. Gimber offered the following motion :

Moved: That Mrs. Holler be allowed to grade the first alley north of Merrill street on High street.

Which was adopted.

Mr. Gimber presented the following communication :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned President of the Indianapolis Glass Works, would respectfully represent to your honorable body, that there was a mistake made in giving in the property belonging to the Glass Company for taxation, and we would respectfully ask that the assessor be authorized to correct said error.

Charles Brinkman, President Indianapolis Glass Works.

Which was referred to the Committee on Finance and the City Assessor.

Mr. Heckman presented the following remonstrance :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Cedar, between Huron street and Corporation line, respectfully remonstrate against the passage of an ordinance providing for the grading and graveling said street and sidewalks.

And your remonstrants will ever pray, etc.

James M Pigg, C Claffey, E H Perkins and Orion Thornley.

Which was referred to the Committee on Streets and Alleys.

Mr. Heckman presented the following petition :

INDIANAPOLIS, April 8, 1872

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

GENTLEMEN—The undersigned, owners of the real estate fronting on the first alley south of Georgia street, running east and west, between Benton street and Cady street, respectfully petition your honorable body to pass an ordinance providing for the grading and graveling of said alley between said points.

And your petitioners will ever pray, etc.

Moses McClain, G S Pittman, Mary Parrish, James Watson, Jerry Greeger and Fred Noelke.

Which was received.

Mr. Heckman presented the following petition :

INDIANAPOLIS, April, 8 1872.

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

GENTLEMEN—We, the undersigned, petitioners and property holders on Meek street, beg leave to petition your honorable body to

grant us an extension of gas pipes from Noble street east on Meek street to the end of said street.

Edward Fitzgerald, Maurice Murphy, John O'Conner, Mary Wency, Adam Anld, Daniel Conner, Christ. Scheldmers, Margaret O'Neil, Ellen Mackmakin, Timothy O'Neile, R S Haskins, John S Hawkin, Patrick Barret, Cornelius Kennady, Thomas O'Neile, Robert O'Neile, R H Scott, Cornelius Sullivan, and W Williams.

Which was referred to the Committee on Gas.

Mr. Kennington offered the following motion :

Moved: That Agedius Naltner, Chris. Schutter, George Koeniger, John G. Kistner, Margaret R. Brown, and Austin H. Brown, guardian of Annie Moore Russell, be allowed the privilege of paving nine feet in width next the front line of their property, of the west sidewalk of Meridian street with brick or Macauley's patent paving stone ; provided the same be done at their own expense and to the satisfaction of the City Civil Engineer.

Which was adopted.

Mr. Kennington offered the following motion :

Moved: That William Sally have permission to dig a well on the east side of South Meridian street near the Corporation line south.

Which was adopted.

Mr. Locke presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—Your petitioners pray that permission be granted them to move a frame house from west side of East street between Market and Ohio streets, to lot 22 out lot 148. Route on East north to New York, thence west to said lot No. 22.

John H. Holliday.

Which was received and prayer granted.

Mr. Marsee offered the following motion :

Moved ; That the Street Commissioner be directed to fill up the gutter on the south side of Virginia avenue, between Louisiana street and East street.

Which was adopted.

Mr. Marsee offered the following motion :

Moved ; That the Street Commissioner be directed to place stone foot crossings on Virginia avenue, between East and Washington streets.

Which was adopted.

Mr. Thalman offered the following motion :

Moved : That the Park Commissioners be and are hereby authorized to light Military Park at an expense not to exceed \$1,000, and that the Council hereby pledge themselves to appropriate the above amount for that purpose.

Which was adopted.

Mr. Thalman presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned petitioners represent to your honorable body, that they are resident citizens and taxpayers of the city of Indianapolis, and reside in the vicinity of White river and Water street. They would further represent that Water street

south of the new bridge to Maryland street, has been vacated some time; that said Water street north of Washington street to the National road has been washed away by high water, and is at present in the river bed and occupied by the east abutment of the new bridge, and that this part of Water street, that is, from Washington street north to the National road, is, never has been, nor ever will be, of any use, benefit or practicable use for the city or community, but would only be an expense to the city, without any use or benefit, and they therefore respectfully ask your honorable body to vacate that part of Water street, as aforesaid, north of Washington street to the National road and your petitioners, as in duty bound, will forever pray, etc.

Christian Schloer, Charles Harman, William Whitehead, Samuel B. Corbaley, C. F. Geisendorff, George Ieg, John Nuetzel.

Which was referred to the Committee on Streets and Alleys.

Mr. Wiles offered the following motion :

Moved: That the Street Commissioner be directed to grade and make a crossing over the Peru railroad track from the eastern terminus of Christian avenue to the western terminus of Malott avenue the full width of the streets.

Which was adopted.

Also, the following resolution :

Resolved; That the owners of the following described real estate, to wit: A piece of real estate lying between Jackson and Broadway streets and between Vine and Arch streets, being a part of Young's subdivison of out lot (181) one hundred and eighty-one in the city of Indianapolis, be and they are hereby required to fill and drain the same, as, in the opinion of this Council, there is a hole or excavation thereon, in which water has or may become so stagnant and noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof, and that the Street Commissioner be, and he is hereby required to notify the owners

thereof, as provided by an ordinance passed April 23d, 1866, entitled "an ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to drain or fill said excavation, as provided in said ordinance.

Which was adopted by the following vote :

Affirmative—Councilmen Batty, Bigham, Brown, Cottrell, Craft, Gimber, Heckman, Kennington, Locke, Marsee, Newman, Reagan, Thalman, Thoms, Wiles and Woodburn—16.

Negative—None.

Mr. Wiles presented the following petition :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—We respectfully petition your honorable body to widen John street between the first alley east of Peru street and the old Corporation line east.

We would respectfully represent to your honorable body that said street is accurately represented on the accompanying plat, showing that the same is sixty feet wide between the east line of Peru street and the east line of the first alley east; there the street is narrowed to forty feet to the old Corporation line, then from that point to the U. S. Arsenal the street is sixty feet wide. We would respectfully ask that the same be made of uniform width.

Joseph Rigger, Micheal White, Lawrence Henrahan, James M. King and George W. Stumpf.

Which was referred to the Committee on Streets and Alleys.

Mr. Wiles presented the following remonstrance :

INDIANAPOLIS, April 8, 1872.

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

GENTLEMEN—The undersigned, owners of the real estate fronting on Massachusetts avenue, between Liberty street and St. Clair street respectfully remonstrate against the passage of an ordinance providing for the laying with brick, the north sidewalk of Massachusetts avenue, between the above named streets.

And your remonstrants will ever pray, etc.

M. A. Callinan, Charles Haag, P. Spitzfaden, David Springer, Lizette Bertelzmann, Perry Clark and A. L. Roache.

Which was referred to the Committee on Streets and Alleys.

Dr. Woodburn offered the following motion :

Moved; That the City Marshal be and is hereby instructed to notify James W. White to replace all dead shade trees planted on Illinois street, between Ohio and Tinker streets, as per contract entered into by Thomas Hutchins, during the spring of 1870, and by him warranted for two years, and if, within ten days from the service of such notice, the said James W. White shall fail, neglect or refuse to replace such dead trees, then the City Attorney is hereby instructed enter suit against the said James W. White and James G. Marshall. his bondsman, as per agreement made and entered into by him on the 22d day of May, 1871.

Which was adopted.

Dr. Woodburn offered the following motion :

Moved: That two thousand dollars be appropriated, in two year ten per cent. City warrants, to German Orphan Asylum, to aid in the completing of their building.

Which was adopted.

His Honor, the Mayor, presented the following :

This indenture and agreement witnesses that Mary F. Tomlinson, widow and sole heir and legatee, under the will of her late husband, Stephen D. Tomlinson, late of the city of Indianapolis, county of Marion, State of Indiana, deceased; and the city of Indianapolis, by its constituted authorities, which said city by the last will and testament of said decedent, becomes the residuary legatee under said will, after the demise of the said Mary F. Tomlinson of the estate of said decedent.

And it hereby agreed between said Mary F. Tomlinson and said city of Indianapolis, in consideration of the mutual interests of the parties, that said city of Indianapolis shall pay and save the real estate of said decedent of all taxes whatever, State, county, city, township, school, road or other lawful taxes, street improvements or other lawful assessments thereon, no matter by what lawful authority they be imposed, and save the said estate and said Mary F. Tomlinson free and discharged from all such taxes and assessments; which real estate consists of the following parcels, to wit: Eighteen (18) feet off the east end of lot No. —, square No. 56, on Washington street; one hundred (100) feet or less of lot —, square 46, on Ohio street; eighty (80) feet more or less lot No. 34, square No. 34 Indiana street or avenue; fifty-four (54) feet more or less of lot No. —, square No. 35 on Illinois street; and seventy-five (75) feet off of the west end of lot No. 6, square No. 36 on Ohio street, less sixteen (16) feet conveyed by said Mary F. Tomlinson to James M. Tomlinson; and the said Mary F. Tomlinson shall have the quiet undisturbed possession of said real estate and receive all the rents, issues and profits thereof during her natural life and shall keep up, maintain all needful repairs to any and all buildings and improvements thereon during such time, and may make such betterments and improvements as she may deem best or proper to be paid for out of such rents and profits, and shall keep the destructible parts of the buildings and improvements on said real estate insured at her own proper expense, out of such rents and profits, against loss or damage from fire; and the said Mary F. Tomlinson on her part for the considerations aforesaid, waives all right and power, under said will or otherwise, to bargain or convey any of said real estate by reason of any power, constructive or otherwise, contained or supposed to be contained, or given in said will; and said city of Indianapolis hereby waives any right or power, constructive or otherwise, to interfere in the management and full enjoyment of possession of rents, profits and emoluments and enjoyments of the

said real estate by the said Mary F. Tomlinson during the period of her natural life.

In testimony whereof, the parties have hereunto set their hands and seals this 27th day of March, A. D., 1872.

MARY F. TOMLINSON, (Seal.)
CITY OF INDIANAPOLIS,
By Daniel Macauley, Mayor.

Indiana, to wit: }
Marion county. }

Before the undersigned, a notary public, in and for said, residing and doing business in the city of Indianapolis, came personally Mary F. Tomlinson and acknowledged the execution of the foregoing indenture and agreement to be her act and deed.

Witness my hand and seal, this 27th day of March, A. D., 1872.

ROSCOE O. HAWKINS,
Notary Public.

Which was approved and concurred in.

His Honor, the Mayor, offered the following motion :

Moved; That the City Commissioners hereafter use the former office of the Gas Inspector in the City building as their place of business.

Which was adopted.

By consent, Mr. Wiles called up the report of the Special Committee, made to Council April 1, 1872, in regard to appropriating \$2,000 to the directors of the Indianapolis and Westfield Gravel road company, and laid over for one week.

Which, on motion, was concurred in.

On motion, by Mr. Craft, the rules were suspended for the purpose of taking up and considering the Tinker street and slaughter house ordinances.

Special Ordinance No. 68, 1872, entitled :

An Ordinance to provide for grading and graveling Tinker street and sidewalks, and for other purposes, from Western avenue to Hill avenue.

Was read the third time, and on motion referred to the Committee on Streets and Alleys and City Civil Engineer.

General Ordinance No. 23, 1872, entitled :

An Ordinance relative to the erection of a slaughter house by Barnabas Coffin, and prescribing certain regulations concerning the same.

Was read the second time.

When Mr. Brown moved to amend by inserting after the words "White river," in the second paragraph of the second section, the words, " at a point below the Water Works."

Which amendment was lost by the following vote :

Affirmative—Councilmen Brown, Heckman, Kennington, Newman and Woodburn—5.

Negative—Councilmen Batty, Bigham, Cottrell, Craft, Gimber, Locke, Marsee, Reagan, Thalman, Thoms and Wiles—11.

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

Affirmative—Councilmen Batty, Bigham, Cottrell, Craft, Gimber, Locke, Marsee, Reagan, Thalman, Thoms and Wiles—11.

Negative—Councilmen Brown, Heckman, Kennington, Newman and Woodburn—5.

On motion, the Council adjourned.

DANIEL MACAULEY,

Mayor.

ATTEST:

JOHN R. CLINTON,

City Clerk.