

PROCEEDINGS

OF THE

BOARD OF ALDERMEN.

ADJOURNED SESSION.

CHAMBER OF THE BOARD OF ALDERMEN
OF THE CITY OF INDIANAPOLIS,
Wednesday, August 15th, 1877—8 o'clock P. M. }

The Board of Aldermen met, pursuant to adjournment.

On Alderman Wallace's motion, Alderman Foster was called to the chair, as president *pro tempore*.

Present—Alderman R. S. Foster, President *pro tem.*, in the chair, and the following members: Aldermen Chandler, Coburn, Krug, McGill, Snider, Stratford, Wallace, and Wiles—9.

Absent during the entire session—President Newcomb—1.

The proceedings of the adjourned session, held August 8th, 1877, having been printed, and placed on the desks of the Aldermen, the reading of the same was dispensed with.

MESSAGE FROM THE COMMON COUNCIL.

The following message from the Common Council was duly received :

To the President and Members of the Board of Aldermen :

Gentlemen :—I herewith transmit certain papers, favorably passed upon by the Common Council, at its last regular session, held August 13th, 1877, for your action upon same.

Respectfully,
BENJ. C. WRIGHT, City Clerk.

PAPERS FROM THE COMMON COUNCIL—ACTION UPON.

Report from City Civil Engineer, giving first and final estimate to James Mahoney, for grading and graveling the first alley west of Japan or East street from Yeiser street to the first alley north of Yeiser street, and the concurrent resolution allowing said estimate [see Council Proceedings, page 333], were read, and the action of the Common Council, in approving such report and in adopting said resolution, was concurred in by the following vote :

Affirmative—Aldermen Chandler, Coburn, Foster, Krug, McGill, Snider, Stratford, Wallace, and Wiles—9.

Negative—None.

Report from City Clerk, relative to the filing, in his office, of an affidavit by John W. Richardson vs. Almira J. and J. W. McLean (christian name unknown), for \$10.80 [see Council Proceedings, page 334], was read, and the action of the Common Council, in concurring in said report and in ordering said precept to issue, was concurred in by the following vote :

Affirmative—Aldermen Chandler, Coburn, Foster, Krug, McGill, Snider, Stratford, Wallace, and Wiles—9.

Negative—None.

Report from Council Committee on Judiciary, in favor of allowing Isaac Hodgson the sum of eighty-seven dollars, as damages

for taking down and re-placing the wall of a brick stable which encroaches on the line of Court street, as newly opened between East and Noble streets [see Council Proceedings, page 348], was read, and the action of the Common Council, in concurring in said report, was approved.

Report from Council Committee on Sewers, in favor of granting the prayer of a certain petition, asking for the substitution of brick catch-basins for iron ones, at the corner of South and Illinois streets [see Council Proceedings, page 351], was read, and the action of the Common Council, in concurring in said report, was approved.

Report from the Fire Board, transmitting a list of one hundred fire-plugs to be dispensed with on and after August 15th, 1877, together with said list [see Council Proceedings, page 351], was read.

On motion, the Board of Aldermen then took a recess, for the purpose of allowing the Board of Equalization to be convened.

BOARD OF ALDERMEN RESUMES.

The Board of Aldermen was re-assembled, and proceeded with its business, as follows :

Motion, instructing the City Marshal to notify the Water-Works Company of the action of the Common Council and Board of Aldermen, in designating the number and location of the fire-plugs that the city will cease to use and pay for on and after the fifteenth day of August, 1877 [see Council Proceedings, page 355], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Resolution, naming a special committee, consisting of the Mayor, Alderman Wallace, and Councilman A. L. Wright, to meet with Governor Williams, Adjutant-General Russ, Gen. Thos. A. Morris, chairman of late Committee of Public Safety, and John D. Nich-

olas, Commissary, in order to adjudicate and settle claims for supplies furnished during the late "railroad strike" [see Council Proceedings, page 356], was read, and the action of the Common Council, in adopting such resolution, was concurred in by the following vote.:

Affirmative—Aldermen Chandler, Coburn, Foster, Krug, McGill, Snider, Stratford, Wallace, and Wiles—9.

Negative—None.

Motion, authorizing the Council Committee on Public Buildings to repair the Tomlinson Estate property on Ohio street, at an expense not exceeding two hundred dollars [see Council Proceedings, page 344], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Motion, granting permission to Mr. L. D. Moody and others to lay a brick sidewalk in front of their property on St. Mary street, between Delaware and Alabama streets [see Council Proceedings, page 344], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Motion, directing the City Marshal to notify the Water-Works Company to raise, fill, and bowlder two trenches dug by it, and left in bad condition, running across Pennsylvania street, between North and St. Clair streets [see Council Proceedings, page 344], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Motion, to appoint a committee of one Alderman and two Councilmen to confer with the County Commissioners, with a view of securing rooms for the city officers in the new Court House [see Council Proceedings, page 344], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

The Chair appointed Alderman Stratford as the Aldermanic member of said special committee.

The said special committee now consists of
Councilmen Marsee and Bugbee, and Alderman Stratford.

Motion, permitting John Nicholas to lay down a double-row stone-crossing from his property on N. Delaware street to the opening to Court House Square [see Council Proceedings, page 347], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Motion, permitting J. T. Lecklider to repair the pavement in front of lot 2, near the southwest corner of Delaware and Vermont streets [see Council Proceedings, page 347], was read, and the action of the Common Council, in adopting such motion, was duly concurred in.

Motion, to instruct the City Clerk to request citizens, by advertising in the daily papers, to cut down, and haul outside the city limits, all weeds and trash in the streets, alleys, and sidewalks adjoining their property [see Council Proceedings, page 347], was read.

Alderman Stratford moved, that this Board refuse to concurrently adopt above motion. Lost.

Alderman Chandler moved that this Board concur in the action of the Common Council, in adopting said motion; upon which, Alderman Stratford demanded a call of the "ayes and noes," and the Board of Aldermen again refused concurrent action, by the following vote:

Affirmative—Aldermen Chandler, Krug, Wallace, and Wiles—4.

Negative—Aldermen Coburn, Foster, McGill, Snider, and Stratford—5.

REPORT FROM CITY OFFICER.

The City Attorney submitted the following report; which was received:

Indianapolis, August 15, 1877.

To the President and Board of Aldermen of the City of Indianapolis:

Gentlemen :—Judge Newcomb and myself were instructed to prepare the lease and bond for the South Park, according to the proposition of Messrs. George W. Scott & Co., and the recommendations of the Committee on Parks. By direction of Judge Newcomb I prepared a lease and bond, but, owing to the fact that he is out of the city, I have not been able to submit them to him.

Messrs. Scott & Co. are very anxious that the matter should be closed up, so that they may proceed with the repairs that they wish to make on the grounds. By their request, I therefore submit the lease and bond this evening, for your approval.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The lease and bond, as set forth below, were then read, and were severally approved:

THIS INDENTURE WITNESSETH, That the City of Indianapolis has this day demised and leased to George W. Scott & Co., of the City of Indianapolis, and State of Indiana, the following described premises in Marion county, Indiana, to-wit:

The west half of the northeast quarter of section twenty-four (24), town fifteen (15), range three (3); also, all that part of lot number sixteen (16) of William Y. Wiley's commissioners' subdivision of the east half of the northwest quarter of section twenty-four (24), town fifteen (15), north of range three (3) east, which lies east of the centre of the main track of the Jeffersonville, Madison & Indianapolis Railroad; also, all that part of lots numbered seventeen (17) and eighteen (18) of William Y. Wiley's commissioners' subdivision of the east half of the northwest quarter of section twenty-four (24), township fifteen (15), north of range three (3) east, which lies east of the centre of the main track of the Jeffersonville, Madison & Indianapolis Railroad, subject, however, to the right of way of the said railroad company; together with the rights, privileges, and appurtenances to the same belonging: To have and to hold the same, for and during the term of five years from the first day of September, 1877.

And the said George W. Scott & Co. hereby agree to pay, as rent for said premises, the sum of five hundred dollars, as follows: One hundred dollars at the expiration of the second year, one hundred dollars at the expiration of the third year, one hundred dollars at the expiration of the fourth year, and two hundred dollars at the expiration of the fifth year—all to be payable without relief from valuation or appraisement laws.

And the said George W. Scott & Co. further agree, as part of the consideration of this lease, that they will, at once, repair the trotting-track, fences,

bridges, buildings, water-gates, and grounds, and place the same in good condition, and that they will keep the same in good repair and condition during the continuance of this lease, and, at the expiration thereof, to deliver the same over to the City of Indianapolis in good repair and condition.

The said George W. Scott & Co. are to have the exclusive control of the said premises; but it is expressly understood and agreed that any and all owners or drivers of horses shall have the use of the trotting-track or stables on the grounds, by paying to said George W. Scott & Co. a reasonable fee therefor and conforming to the rules in general use among trotting associations.

And it is also understood and agreed, that, at all times except those days upon which premiums may be given for trotting or running contests, where an admission fee is charged, the said premises, with the exception of the trotting-track, shall be kept open for the enjoyment of the general public, and the public shall be allowed free admission to the said premises.

The said City of Indianapolis reserves the right, at any time, to use and occupy any portion of the said premises for a workhouse or any other purpose, excepting that part that is occupied by the trotting-track, stabling, amphitheatre, and other buildings used by said Scott & Co.

The conditions of this lease are that the premises are not to be sub-let, or this lease assigned by the said George W. Scott & Co., without the consent of the Common Council and Board of Aldermen of the said City of Indianapolis; that no waste shall be committed or damage done to the premises; and that no lewd or immoral practices are to be allowed thereon.

At the expiration of this lease, or on failure to pay rent when the same is due, or on failure to comply with any of the conditions or agreements of this lease, the same shall terminate at once, without notice, and the said City of Indianapolis, her representatives, or assigns may enter upon and take possession of said premises, and expel the occupant thereof, without in anywise being a trespasser; and the failure of the City of Indianapolis to take possession of said premises, at the times aforesaid, shall not estop her from afterwards asserting said rights; and the occupation of said premises by the said tenant, after the expiration of this lease or the forfeiture thereof, shall give them no rights as tenants, but they may be expelled, at any time, without notice.

In Witness Whereof, The City of Indianapolis, by John Caven, Mayor, has hereunto signed her name and affixed her corporate seal, this 15th day of August, 1877.

KNOW ALL MEN BY THESE PRESENTS, That we, George W. Scott & Co., S. W. Patterson and Charles M. Coats, are jointly and severally held and firmly bound unto the City of Indianapolis in the sum of *one thousand dollars*, which well and truly to be paid, without relief from valuation or appraisalment laws, we bind our heirs, executors, and administrators firmly by these presents.

Witness our hands and seals this 15th day of August, 1877.

The Conditions of this Obligation are such that, whereas the City of Indianapolis has this day leased and demised to the said George W. Scott & Co, for the term of five years, the following described premises, situate in Marion county, Indiana, to wit: The west half of the northeast quarter of section twenty-four (24), town fifteen (15), range three (3); also, all that part of lot number (16) sixteen of William Y. Wiley's commissioners' subdivision of the east half of the northwest quarter of section twenty-four (24), town fifteen (15), north of range three (3) east, which lies east of the centre of the main track of the Jeffersonville, Madison & Indianapolis Railroad; also, all that part of lots numbered seventeen (17) and eighteen (18) of William Y. Wiley's commissioners' subdivision of the east half of the northwest quarter of section twenty-four (24), township fifteen (15), north of range three (3) east, which lies east of the centre of the main track of the Jeffersonville, Madison & Indianapolis Railroad, subject to the right of way of the said railroad company; and executed to the said George W. Scott & Co. a written lease therefor.

Now, if the said George W. Scott & Co. shall well and truly keep and perform each and all the terms and stipulations in the said lease to be kept and performed by them, and shall pay to the City of Indianapolis the sum of five hundred dollars, as rent, at the times of payment and in the manner stipulated in the said lease, then this obligation shall be void, otherwise to be and remain in full force and effect.

GEO. W. SCOTT & CO.,
S. W. PATTERSON,
CHAS. M. COATS.

Alderman Wallace offered the following resolution :

Resolved, That the regular sessions of the Board of Aldermen shall, hereafter, be held on the Tuesday evenings after the first and third Mondays of each calendar month.

Which was adopted by the following vote :

Affirmative—Aldermen Chandler, Coburn, Foster, Krug, McGill, Snider, Stratford, Wallace, and Wiles—9.

Negative—None.

Alderman Stratford called up a certain motion, adopted by the Common Council on May 7th, 1877, to instruct the Street Commissioner to fill the chuck-holes on Delaware street, between Merrill street and Madison avenue, and which had been referred to the Aldermen from the Fifth District [see page 20, *ante*], and, on his

motion, the action of the Common Council, in adopting such motion, was concurred in.

On Alderman Coburn's motion, the vote by which this Board refused to concur in the last Council motion set forth on page —], *ante*], was unanimously reconsidered.

The action of the Common Council, in adopting said motion, was then duly concurred in.

On motion, the Board of Aldermen then adjourned until Tuesday evening, August 21st, 1877.

R. S. FOSTER, President *pro tem.*

Attest :

GEO. T. BREUNIG,

Clerk of Board of Aldermen.