

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 3, 1878.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, December 3d, A. D. 1878, at half-past seven o'clock, in regular session.

**PRESENT**—His Honor, the President, Wm. D. Wiles, in the Chair, and Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and Stratford—10.

**ABSENT**—None.

The Proceedings of the Board of Aldermen, for the regular session, held on November 19th, for the adjourned session, held on November 25th, and of the Third Joint Convention, held November 18th, 1878, having been printed, and placed on the desks of the Aldermen, said proceedings were duly approved as published.

## MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was received, and duly considered by clauses :

To the Board of Aldermen :

*Gentlemen*.—At a regular session of the Common Council, held last evening (December 2d, 1878), said body refused to agree in your non-concurrent action of November 19th, in the following particulars :

1st. By determining to adhere to its action of November 18th, when it concurred in the recommendation of the Board of Public Improvements, whereby the Street Commissioner was instructed to fill with cinders or gravel on each side of the street crossing of Meridian and McCarty streets, instead of lowering the same.

2d. By determining to adhere to its action of September 23d, 1878, when it duly adopted a certain resolution vacating Arsenal Park Addition.

3d. The Common Council also refused to introduce and adopt a motion instructing the City Treasurer to proceed to collect the benefits in the opening and widening of Shelby street, and that the damages be not paid until all of the benefits shall have been collected by the Treasurer, etc.

4th. Said body also refused to concurrently adopt your motion instructing the City Clerk, City Marshal, and all other city officers interested therein, to proceed no further in the matter of opening, widening, and extending Dillon street.

I hereby notify you of foregoing non-concurrent proceedings, that you may duly consider and take action upon same.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

The following action was had on the matters set forth in preceding message :

CLAUSE 1st. Referred to Board of Public Improvements and Fifth District Aldermen, who were given power to act thereon.

CLAUSES 2d AND 3d. On Alderman Grubbs's motion, the Board of Aldermen determined to adhere to its former action in these two cases.

CLAUSE 4th. No action had.

The following message was duly received :

To the Board of Aldermen :

*Gentlemen* :—I herewith transmit certain papers, which were favorably passed upon by the Common Council, at its regular session, held last evening (December 2d, 1878), for your action upon same.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

City Treasurer's report of receipts and disbursements during the month of November, 1878; and the City Clerk's statement of the amount of orders issued on the city treasury during same period [see pages 626 and 627, *ante*], were read; and the action of the Common Council, in referring said report and statement to the Council and Aldermanic Committees on Finance, for joint examination, was duly confirmed.

City Clerk's report that the following affidavits had been filed in his office, for the collection of street assessments by precept :

Robert P. Dunning vs. Deloss Root, for.....	\$219 37
Robert P. Dunning vs. Camie Christy, for.....	41 50
Robert P. Dunning vs. Henry E. Buehrig's heirs, viz.: Rebecca Buehrig, Wm. Buehrig, Henry Buehrig, and Mary Buehrig, for.....	206 00

and recommending that the precepts be ordered to issue [see page 628, *ante*], was read; and the action of Common Council, in approving such recommendation and in ordering the precepts to issue, was concurred in by the following vote :

AYES, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

Reports from Superintendent of City Hospital and Branch of the contents of hospital register, expenditures, etc., for the month of November, 1878 [see page 628, *ante*], were read, and duly received.

Chief Fire Engineer's Second Quarterly Report of the Running Expenses of the Fire Department (September 1st to December 1st, 1878), which the Common Council had referred to the Council and Aldermanic Committees on Finance, for joint examination [see pages 629 and 630, *ante*], was read, and the reference made and instructions given were duly confirmed.

The following clauses in the report of the Board of Public Improvements were read :

1st. Are motions directing the Street Commissioner to fill, with gravel, the mud-holes in the first alley east of Alvord street, running north from Malott avenue; also to re-gravel Hill avenue, where needed.

We recommend this work be done.

2d. Is a motion directing the Street Commissioner to fill the chuck-holes in New York street, between West and Blackford streets.

We recommend this work be done.

3d. Is a motion directing the Street Commissioner to clean the south gutter of Michigan Road, from Washington street to Oriental street.

We recommend this work be done.

4th. Is a motion directing the Street Commissioner to clean the gutters of Coburn street, between East street and Virginia avenue.

We recommend this work be done.

5th. Is a motion directing the Street Commissioner to place a cinder crossing on Prospect street, opposite the east side of Olive street.

We recommend this work be done.

6th. Is a motion to grant a permit to R. H. Rees to lay a stone crossing over Indiana avenue—said crossing to be laid at his own expense, and under direction of the City Civil Engineer.

We recommend said permit be granted.

8th. Is a motion directing the Street Commissioner to make necessary repairs to the plank floor of the iron bridge over White River on Washington street.

We recommend this work be done.

9th. Is a motion directing the Street Commissioner to lower the alley-crossing on east side of West street, between New York and Vermont streets, to correspond with grade of alley.

We recommend this work be done.

10th. Is a motion directing the Street Commissioner to put down cinder crossing on McCarty street, at West and Chadwick streets.

We recommend this work be done.

11th. Is a motion instructing the Street Commissioner to discharge men and teams that are now in his employ, if necessary to make room for delinquent taxpayers to work out their city tax.

We would recommend that when applications are made for the purposes indicated in the motion, the Street Commissioner employ only those who, in his judgment, are competent and able to do the work required.

12th. Is a motion directing the Street Commissioner to clean the gutters of Madison avenue, between Merrill street and the J. M. & I. Railroad tracks.

We recommend this work be done.

13th. Is a petition from Valentine Meier and others, asking that the crossing at the intersection of Pearl and Missouri streets be repaired.

We recommend the prayer of the petitioners be granted.

And the action of the Common Council, in concurring in the preceding clauses [see pages 630 and 631, *ante*], was duly approved.

Report from Board of Public Improvements and Street Commissioner, giving an exhibit of moneys paid on account of the Street Repair Department, for the month of November, 1878 [see page 632, *ante*], was read; and then the action of the Common Council, in referring same to the Council and Aldermanic Committees on Finance, for joint examination, was duly confirmed.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, during the two weeks ending November 30th, 1878 [see page 632, *ante*], was read, and was duly received.

The following report from the Council Committee on Benevolence and Hospitals [which had been approved by the Common Council—see page 632 *ante*], was read, and was duly approved:

To the Mayor, Common Council, and Board of Aldermen of the City of Indianapolis:

Your Committee on Benevolence and Hospitals, to whom was referred the motion authorizing us to expend not more than fifty dollars in purchasing additional ground in Greenlawn Cemetery, in which to bury city paupers, would respectfully report that we have purchased of James N. Sweetser et al., lot No. 67, for the sum of fifteen dollars; also of David Johnson et al., lot No. 41, for the sum of twenty dollars.

The deeds, properly executed, are herewith presented.

I. C. WALKER,  
WM. F. REASNER.

The following joint report from the Council and Aldermanic Committees on Markets [which had been concurred in by the Common Council—see page 633, *ante*], was read, and was duly approved:

To the Mayor and Common Council:

*Gentlemen:*—The Committees on Markets, to whom was referred the petition of market-gardeners, asking that shingle-roof sheds be constructed over the sidewalks around the East Market Space, have examined the matter, and report against the improvement asked for.

OMER RODIBAUGH,  
GEORGE ANDERSON,  
J. M. BRUNER,  
D. W. GRUBBS,  
W. F. PIEL,  
H. COBURN,  
Committees on Markets.

Report from Councilman Anderson, chairman of Council Committee on Public Buildings, with regard to rental of Tomlinson Estate building, No. 34 E. Washington street, together with Council action on that matter [see page 633, *ante*], was brought before the Board of Aldermen.

On Alderman Stratford's motion, aforesaid report and Council proceedings had thereon, were referred to the Aldermanic and Council Committees on Public Buildings, for joint consideration, etc.

Petition from the United States Encaustic Tile Company, asking permission to connect their works with the Seventh street pipe-sewer, for purpose of carrying off the roof water and other clean water from its premises [see page 645, *ante*], was read; and the action of the Common Council, in referring such petition to the Council and Aldermanic Committees on Sewers and the City Civil Engineer, for joint consideration, and with power to act, was duly confirmed.

The following Council motions were read, and were severally adopted :

That Harald Schmidt have permission to drive over the south sidewalk of Court street, in the rear of No. 294 E. Washington street, for the purpose of delivering materials for a new building now in course of erection, *provided* he protect such sidewalk by laying down plank over such temporary driveway.

That R. P. Dunning be granted thirty days' extension of time to complete his improvement of Georgia street, between Meridian and Illinois streets.

That the Chief Fire Engineer be directed to examine the building located on the east side of N. Mississippi street, between Fourth and Fifth streets, belonging to Levi Comegys and W. S. Pierce, and to take such action as public safety requires.

That the Street Commissioner be directed to order the owner of the property on the north side of New York street, between Minerva street and the first alley east, to repair the sidewalk in front of said property.

That John Greene be granted thirty days' extension of time in which to complete his contract on Lawrence street.

That twenty days' extension of time be granted Richard Carr in which to complete his contract for improving the alley between Delaware and Pennsylvania streets, from Home avenue to King street.

That the Street Commissioner be instructed to lay a double-stone crossing over Pennsylvania street, in front of the Opera House, the property owners to pay for the stone, and the cost of laying the same—said work to be done under the supervision of the City Civil Engineer.

The following Council motion, on suggestion of Alderman Grubbs, was referred to the Council and Aldermanic Committees on Markets :

That the Board of Aldermen be requested to take up and dispose of the amended market ordinance, recently passed by this body, or so much of said ordinance as relates to section 63 of original ordinance.

The following motion, which the Common Council had referred to the Board of Public Improvements, with power to act, was read; and the foregoing Council action was duly approved:

That the Street Commissioner be instructed to make a foot-walk, out of cinders, along the south side of Ohio street, from Arsenal avenue to new School-House No. 14, located on Ohio street.

The verbal motion, made by Councilman Layman [see page 649, *ante.*], by and through which the Indiana District Telephone Company were granted permission to proceed with the construction of its lines under the direction and control of the Council and Aldermanic Judiciary Committees and the City Attorney, until aforesaid committees and officer could prepare and report, and the Common Council and Board of Aldermen should duly pass, an ordinance regulating the construction of telegraph, telephone, and like lines, was duly considered; and the Council's adoption of such verbal motion was duly concurred in.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 641 to 643, *ante.*], were read the first time:

- Ap. O. 73, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 74, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.
- Ap. O. 75, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 76, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 77, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.
- G. O. 43, 1878—An Ordinance granting McIntire & Kuhn the right to build and use a Railroad Switch, constructed from the main track of the Jeffersonville, Madison & Indianapolis Railroad, upon a part of Madison avenue.
- G. O. 50, 1878—An Ordinance granting the Board of State-House Commissioners the right and privilege of occupying certain portions of Tennessee, Ohio, and Mississippi streets with building material.

PENDING ORDINANCES—PROCEEDINGS HAD THEREON.

This being the regular appropriation night, the several Appropriation Ordinances were taken up for second and third readings, and placed on their passage, without suspension of the rules.

The following entitled ordinance was then read the second and third times:

Ap. O. 73, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$948.35.]

And was passed by the following vote :

**AYES**, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmana, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

The following entitled ordinance was also read the second and third times :

Ap. O. 74, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch. [Amount appropriated, \$838.47.]

And was passed by the following vote :

**AYES**, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

The following entitled ordinance was also read the second and third times :

Ap. O. 75, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$329.34.]

And was passed by the following vote :

**AYES**, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

The following entitled ordinance was also read the second and third times :

Ap. O. 76, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$20,099.43.]

And was passed by the following vote :

**AYES**, 9—viz.: Aldermen Chandler, Coburn, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

The following entitled ordinance was also read the second and third times :

Ap. O. 77, 1878—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$396.87.]

And was passed by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

On Alderman Ridenour's motion, the rules were suspended, for the purpose of now reading General Ordinances 43 and 50, 1878, the second and third times, and placing same on their passage, by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Grubbs, Mussmann, Piel, Ridenour; Snider, Stratford, and President Wiles.

NAYS—None.

The following entitled ordinance was then read the second and third times :

G. O. 43, 1878—An Ordinance granting McIntire & Kuhn the right to build and use a Railroad Switch, constructed from the main track of the Jeffersonville, Madison & Indianapolis Railroad, upon a part of Madison avenue.

And was passed by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

The following entitled ordinance was also read the second and third times :

G. O. 50, 1878—An Ordinance granting the Board of State-House Commissioners the right and privilege of occupying certain portions of Tennessee, Ohio, and Mississippi streets with building material.

And was passed by the following vote :

AYES, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

General Ordinance 56, 1878 [see title on page 622, *ante*], was taken from the files, read the second time, and was then referred to the Committee on Revision of Ordinances and the City Attorney.

#### NEW BUSINESS.

The Board of Public Improvements, through Alderman Coburn, submitted the following report; which was duly concurred in :



Indianapolis, December 3, 1878.

To the President and Board of Aldermen :

*Gentlemen* :—The following motion was referred to us by your honorable body :

“*Moved*, That the Board of Public Improvements be instructed to inquire into the matter of protecting the west bank of White River, above and below the Michigan street bridge, by planting the bank freely with willows; and, if thought best, to order the same done.”

We have examined the locality referred to in the motion, and find the same is not within the corporate limits of the city; therefore recommend such work be not done.

Respectfully submitted,

M. H. McKAY,  
H. COBURN,  
Board of Public Improvements.

The Judiciary Committee and the City Attorney, through Alderman Grubbs, submitted the following report; which was duly received :

Indianapolis, December 3, 1878.

To the President and Members of the Board of Aldermen :

*Gentlemen* :—Your Committees on Judiciary and Railroads, together with the like committees of the Common Council and the City Attorney, to whom was referred sundry communications in relation to the Street Railways of the city and the extension of lines upon certain streets, would report that we have had the same under consideration, and are of the opinion that a general ordinance should be prepared and passed embracing all the needed regulations in relation to the running of street-cars, building of tracks, etc., etc.

We are, also, of the opinion that the resolution requiring the Citizens' Street Railway Company to build and operate a track from the Massachusetts avenue Depot, south, along Noble street, and west to the centre of the city, which was passed by the Common Council, and referred to us, should not be passed, as the company have already built and are operating a line of railroad upon almost the same route described in the resolution. We would, therefore, recommend that said resolution be amended so as to require the company to proceed to build a line of railway upon Indiana avenue. We herewith submit a resolution covering such an amendment, and we recommend that it be passed.

We would also recommend that the joint Committees on Judiciary and the City Attorney be instructed to prepare a general ordinance, as recommended in this report, fully covering all needful regulations in relation to street railways.

Respectfully submitted,

D. W. GRUBBS,  
J. M. RIDENOUR,  
I. W. STRATFORD.  
R. O. HAWKINS, City Attorney.

The following amendatory resolution (referred to and accompanying preceding report) was then offered :

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis*, That the said Council and Board deem it expedient that a line of street railway be constructed along and upon Indiana avenue, from the intersection of said avenue with Illinois street, northwest, along said avenue, to Blake street; and that the Citizens' Street Railway Company be, and are hereby, directed to construct

the same at once. And the City Clerk is hereby directed to serve a copy of this resolution upon the proper officer of said company, in accordance with the provisions of section 15 of an ordinance entitled "An Ordinance authorizing the construction, extension, and operation of certain Passenger Railways in and upon the streets of the City of Indianapolis (ordained January 18th, 1864)."

And was passed by the following vote :

**AYES**, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

The resolution offered by the select committee on this subject [see page 498, *ante*]; which had been duly adopted by the Common Council [see page 501, *ante*]; had been referred to the (joint) Committees on Judiciary and Railroads [see page 574, *ante*]; and had been amended by the adoption of the preceding resolution, was then duly adopted by the following vote :

**AYES**, 10—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

**NAYS**—None.

Alderman Mussmann offered the following motion ; which, at the suggestion of Alderman Grubbs, was referred to the Board of Public Improvements, with power to act :

That the Street Commissioner be ordered to make crossings, with cinders, at the following places :

Corner of Russell avenue and Illinois street.  
 Corner of Ray and Meridian streets.  
 Corner of Wilkens and Meridian streets.  
 Corner of Morris and Meridian streets.

Alderman Ridenour offered the following motions ; which were severally adopted :

That the Committees on Gas-Light be requested to have at least three lamps lighted on Arsenal avenue, between Market and Michigan streets.

That the Committees on Bridges be requested to inquire into, and to report to this Board, if there is any reason why the iron bridge provided for the crossing of Pogues' Run on Ohio street should not be placed on the masonry, instead of the wooden bridge now there.

#### UNFINISHED BUSINESS.

The contract between the City of Indianapolis and the Water-Works Company of Indianapolis, final action upon which had been deferred until this evening [see pages 617 to 619, *ante*], was taken up.

On Alderman Foster's motion, the aforesaid contract was accepted, and His Honor, the Mayor, was instructed to sign the same on behalf of the city.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.