

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 17, 1878.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, December 17th, 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, and Stratford—9.

**ABSENT**—Alderman Snider—1. [Excused, on account of sickness.]

The Proceedings of the Board of Aldermen, for the regular session, held on December 3d, 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 duly received :

To the Board of Aldermen :

*Gentlemen*:—The Common Council, at its regular session, held last evening (December 16th, 1878), determined to adhere to its action of the 2d instant, when said body 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.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

The following message was duly received ; and the Council reference and action, therein set forth, was, on Alderman Foster's motion, duly confirmed and approved :

To the Board of Aldermen :

At the regular session of the Common Council, held on last evening (December 16th, 1878), the City Marshal presented a lengthy communication, signed by Theo. Deitz, protesting the illegality of any attempt by the city to open Railroad street, from St. Clair street to Massachusetts avenue, except in pursuance of regular proceedings of condemning, appropriating, and paying for the private property in the

line of such opening. Mr. Dietz claims to have a clear title to lot 10, Gillespie's Subdivision of out-lot 42, a part of which lies in the line of the obstructed portion of the supposed Railroad street; states that no such street or railroad right-of-way ever crossed this lot; and says "I will resist any effort to dislodge me, not made under the law authorizing the condemnation of private property for public use."

The Common Council referred the paper above abstracted to the Judiciary Committee, the City Attorney, and the City Assessor, and instructed the City Marshal to suspend all further proceedings until the real facts of this case could be thoroughly investigated and reported upon.

The instructions that the City Marshal was attempting to carry out will be found in the Aldermanic resolution, which your honorable body adopted on November 19th [see page 613, *ante*], and its concurrent adoption by the Common Council will be found on page 637, *ante*.

I report this matter for your information, and in order that you may exercise your judgment as to staying further immediate proceedings by the City Marshal.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

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 16th, 1878), for your action upon same.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

Mayor Caven's report of the amount of fines (\$32.80) by him collected and paid into the city treasury, during the month of November, 1878 [see page 664, *ante*], was read; and the action of the Common Council, in approving such report, was duly concurred in.

City Civil Engineer's report of the following estimates was read:

A first and final estimate in behalf of Richard Carr, for grading and graveling the alley between Delaware and Pennsylvania streets, from Home avenue to King street—

1048 lineal feet, at 15 cents ..... \$157 20

Also, a first and final estimate in behalf of James Mahoney, for grading and graveling the first alley south of Vermont street, from Columbia street to West street—

390 lineal feet, at 12 cents ..... \$46 80

And the action of the Common Council, in approving such report [see page 664, *ante*], was duly concurred in.

The following concurrent resolution [which had been duly adopted by the Common Council—see page 665, *ante*], was then read:

*Resolved by the Common Council and Board of Aldermen*, That the foregoing first and final estimate, allowed Richard Carr, for grading and graveling the alley between Delaware and Pennsylvania streets, from Home avenue to King street, be,

and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And was adopted by the following vote :

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

NAYS—None.

The following estimate resolution [which had been duly adopted by the Common Council—see page 665, *ante*] was also read :

*Resolved by the Common Council and Board of Aldermen, That the foregoing first and final estimate, allowed James Mahoney, for grading and graveling the first alley south of Vermont street, from Columbia street to West street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.*

And was adopted by the following vote :

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

NAYS—None.

Report from the Council Committee on Contracts, giving abstracts of bids for grading and graveling the first alley south of Prospect street, from Laurel street to Everson street, and recommending that Fred. Gansberg be awarded the contract for doing such work, at 9 cents per lineal foot front on each side [see page 663, *ante*], was read ; and the action of the Common Council, in awarding such contract, was duly approved.

Communication from City Civil Engineer, transmitting the contract and bond of Fred. Gansberg, for doing the above described work—penalty of bond, \$100; surety, Richard Carr [see page 665, *ante*], was read ; and the action of the Common Council, in receiving such communication, concurring in the contract and approving the bond, was duly approved.

The following report from the City Clerk was read, and was duly received :

*Indianapolis, December 16, 1878.*

To the Common Council and Board of Aldermen :

*Gentlemen* :—I would respectfully report that I have certified to the City Treasurer a transcript of the report of the City Commissioners as to the assessment of benefits and damages in the matter of laying out, opening, and widening Shelby street, from Prospect street to the south corporation line.

I also filed with the Recorder of Marion County a similar transcript, together with a plat of the laying out, opening, and widening of said street.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

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

James Mahoney vs. Anna Maria Stilz, William J. Stilz, Charles B. Stilz, Elizabeth M. Stilz, Anna M. Stilz, Frances J. Stilz, Geo. A. Stilz, and Caroline C. Stilz, for.....	\$239 05.
John Schier vs. Thomas H. Spann, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. George W. Armentrout, for.....	7 35
John Schier vs. Mary H. McLaughy, for.....	7 35
John Schier vs. George Storm, for.....	7 35
John Schier vs. George Storm, for.....	7 35
John Schier vs. Mary B. Strong, for.....	7 35
John Schier vs. O. L. Wade (christian name unknown), for.....	7 35
John Schier vs. John Carroll, for.....	7 35
John Schier vs. Francis L. Moore, for.....	7 35
John Schier vs. Jemima Shrewsbury, for.....	4 35
John Schier vs. Sylvester C. Miller, for.....	7 35
John Schier vs. John A. Hart, for.....	7 35
Robert P. Dunning vs. Mary P. Robinson, for.....	125 00
Robert P. Dunning vs. Rebecca Goldsberry, for.....	27 12
Robert P. Dunning vs. Joseph K. Sharpe, for.....	131 25
Robert P. Dunning vs. J. Henry Kappes, for.....	131 25
Robert P. Dunning vs. Peter Weise, for.....	109 37
David A. Haywood vs. Jesse A. Harvey, for.....	25 35
David A. Haywood vs. Eli Jackson, for.....	37 84

and recommending that the precepts be ordered to issue [see page 667, *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**, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Stratford, and President Wiles.

**NAYS**—None.

Report from Chief Fire Engineer, setting forth that an examination of the Surgical Institute and the Grand Opera House had shown said buildings were illy provided with facilities for escape in the event of conflagration, and that loss of life would thereby be hazarded [see pages 668 and 669, *ante*], was read.

The following motion [which had been duly adopted by the Common Council—see page 669, *ante*], was then read, and was concurrently adopted :

That the Chief Fire Engineer be, and is hereby, instructed to notify the owners and lessees of the public buildings known as the Surgical Institute, the Grand Opera House, and the Metropolitan Theatre to provide ample means for escape in case of fire, as it appears from the report submitted here to-night by the Chief, that these buildings are not properly provided with fire-escapes; and that the Chief report to this body, at the next meeting, their reply to this motion.

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

1st. Is a motion instructing the Street Commissioner to clean the gutters of, and fill the chuck-holes in, East street, between North and Cherry streets.

We recommend this work be done.

3d. Is a motion directing the Street Commissioner to fill the chuck-holes in North street, between Massachusetts avenue and Noble street—the cost not to exceed fifteen dollars.

We recommend this work be done.

5th. Is a motion directing the Street Commissioner to clean the gutters and fill the holes in First street, from Meridian street to West street.

We recommend said work be done.

6th. Is a motion directing the placing of iron grates at sewer-openings on the corner of North and Illinois streets.

We recommend the work be done.

7th. Is a motion directing the Street Commissioner to put some gravel on Illinois street, between Vermont and Michigan streets.

We recommend the work be done.

8th. Is a motion instructing the Street Commissioner to clean and fix the gutters of Huron street, between School and Noble streets.

We recommend this work be done.

9th. Is a motion to fill the chuck-holes in Union street, between McCarty and Ray streets; also to clean the gutters of Meridian street, between McCarty and Ray streets.

We recommend said work be done.

We would further report that we are in receipt of a communication from the Superintendent of the Westfield Gravel Road Company, stating that, at the time Illinois street, from Seventh street to Twelfth street, was improved, there was a cut made in the Gravel Road beyond Twelfth street, in order to connect the grades. This was permitted, on condition the city re-graveled and put in good condition the section cut.

We have had this matter under consideration, and would recommend the Street Commissioner be instructed to gravel said portion of road, at a cost not to exceed twenty-five dollars.

And the action of the Common Council, in concurring in the preceding clauses [see pages 670 and 671, *ante*], was duly approved.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, during the two weeks ending December 15th, 1878 [see page 671, *ante*], was read, and was duly received.

The following joint report from the Council and Aldermanic Committees on Finance [whice had been approved by the Common Council—see pages 672 and 673, *ante*], was read, and was duly approved :

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

*Gentlemen:*—Your Committees on Finance, to whom were referred sundry papers, respectfully report on the following:

1st. Is the City Clerk's report of Orders issued during November, 1878.

We have examined the same, and find it correct.

2d. Is the City Treasurer's report of receipts and payments during November, 1878.

We have examined said report and the books of his office, and find them correct.

3d. Is the Chief Fire Engineer's report for the quarter ending December 1st, 1878, of miscellaneous expenses of the Fire Department.

Your committees did not examine the vouchers, for the reason the Fire Board had examined the same, and allowed the claims. This report shows the expenses of the current year to December 1st. Your committees believe the Fire Department to be prudently and economically managed, and that the expenses for the present year will not exceed the estimate.

4th. Is the Board of Public Improvements' report of expenses of the Street-Repair Department, from May 15th to December 1st, 1878.

Your committees find the report correct, and the expenses to be within the estimate.

Your Committees on Finance, for the information of Councilmen and Aldermen, submit the following statement of the estimated expenses of the current year, as agreed upon in joint convention, and the actual expenses during the first six and one-half months:

	Estimates for the year ending May 15, 1879.	Expenses from May 16 to Dec. 1, 1878.
Board of Health.....	\$ 450 00	\$ 282 00
Bridges.....	4,800 00	2,373 74
City Assessors' Assistants.....	2,650 00	2,095 00
City Civil Engineer's Department.....	2,000 00	961 51
City Commissioners.....	375 00	00
City Dispensary.....	2,000 00	999 97
City Hospital and Branch.....	10,000 00	5,377 36
Cisterns.....	700 00	00
Costs.....	700 00	283 67
Coal Oil Light.....	1,200 00	412 96
Damages.....	10,000 00	250 00
Elections.....	650 00	637 50
Fire Department.....	68,156 75	37,836 09
Fountains.....	20 00	19 05
Gas.....	58,500 00	31,181 28
Gregg Bequest.....	290 25	438 42
Ice.....	100 00	69 74
Incidentals.....	1,390 00	755 95
Insurance.....	123 75	00
Interest on Bonds.....	140,163 50	67,947 75
Markets.....	310 50	55 94
Nuisances.....	175 00	175 00
Office Fixtures.....	300 00	417 75
Parks.....	1,500 00	1,131 79
Percentage.....	11,700 00	5,564 46
Police.....	42,500 00	23,025 67
Posting Bills.....	100 00	48 80
Printing, Stationery, and Advertising.....	6,500 00	1,854 41
Public Buildings.....	120 00	00
Rent.....	3,000 00	1,500 00

Salary .....	\$ 16,795 00	\$ 6,348 77
Sewers .....	1,000 00	1,309 62
Station Houses .....	2,500 00	1,107 75
Street Improvements.....	5,000 00	1,499 55
Street Repairs.....	30,000 00	18,640 68
Taxes Refunded.....	900 00	692 32
Tomlinson Annuity.....	7,000 00	3,500 00
Tomlinson Estate Repairs.....	280 00	244 03
Transfers.....	400 00	00
Tunnels.....	00	18 90
Water Rent.....	25,006 00	12,503 00
Interest on Temporary Loan.....	3,500 00	00
	\$ 462,855 95	\$ 231,560 43

Respectfully submitted,

A. L. WRIGHT,  
 S. MORRIS,  
 JAMES T. LAYMAN,  
 S. SHOWALTER,  
 G. SINDLINGER,  
 J. M. RIDENOUR,  
 T. E. CHANDLER,  
 D. MUSSMANN,  
 Committees on Finance.

The following clause in the report from the Council Judiciary Committee and City Attorney was read; and the action of the Common Council, in concurring in same [see page 673, *ante*], was duly approved:

*First.* Is a petition from the Trustees Indiana Asbury University, to have certified off of the tax-duplicate of the City of Indianapolis certain real estate, described as lots 143, 144, 145, and 146, in Ingram Fletcher's Third Addition to the City of Indianapolis.

The above described property was conveyed, by donation deed, to John W. Ray, as trustee of said University, and has been carried forward on the tax duplicate of the city in the name of said Trustees Indiana Asbury University. Since 1872, no tax has been paid during that time on said property by said Trustees.

Your committee are of the opinion that the property is clearly exempt from taxation; for, by virtue of an amendment to the charter incorporating said University, the real estate held by said trustees is exempt from taxation. We, therefore, recommend that City Treasurer be instructed to make the proper entry, certifying the above described property off of the duplicate and to annul the assessments.

Communication from the Commissioners of Marion County, asking that the Criminal Court be permitted to occupy the Council Chamber during the approaching session of the Indiana Legislature, which communication had been ordered to be transmitted to the Board of Aldermen, that [said body might consider and act upon granting the use of its Chamber as a witness and jury room in connection with said Court [see page 664, *ante*], was read; and then this matter, on motion of Alderman Grubbs, was referred to the Aldermanic Judiciary Committee.

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

That the Street Commissioner be directed to notify the I., C. & L. Railroad Co. to re-plank the crossing of their track on West street, along the canal.

That the Board of Public Improvements be authorized to instruct the Street Commissioner to make a crossing of rolling-mill cinders, from the point between Russell avenue and Illinois street to the culvert running along Russell avenue, together with a small footbridge across east gutter of Illinois street.

The following Council motion [see page 680, *ante*], was also read; but, after consideration thereof, the Board of Aldermen refused to concur in such action:

That Anthony Prange be granted permission to sink a well in sidewalk of Oak street, at rear of his new store room—the same to be done under the direction of City Civil Engineer.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 678 and 679, *ante*], were read the first time:

- G. O. 59, 1878—An Ordinance granting the Indiana District Telephone Company the privilege of using the Streets and Alleys of the City of Indianapolis, in constructing, operating, and maintaining Lines of Telephone in said city.
- G. O. 60, 1878—An Ordinance amending section 2 of an ordinance entitled “An Ordinance to provide for Tapping Public Sewers and Drains and making connections therewith (ordained October 30th, 1871).”
- G. O. 61, 1878—An Ordinance providing for a Temporary Loan of One Hundred Thousand Dollars, for the purpose of defraying the Current Expenses of the City of Indianapolis during balance of the Fiscal Year ending on May 15th, 1879.
- Ap. O. 78, 1878—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employes.

On Alderman Foster's motion, the rules were suspended, for the purpose of now reading all of above entitled ordinances for the second and third times, and placing them on their passage, by the following vote:

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

NAYS—None.

General Ordinance 59, 1878, was read the second time; and then, on Alderman Foster's motion, it was referred to the Fire Board and the City Attorney.

General Ordinance 60, 1878, was also read the second time; and then, on Alderman Grubbs's motion, it was referred to the Aldermanic and Council Committees on Sewers, for joint consideration.

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

- G. O. 61, 1878—An Ordinance providing for a Temporary Loan of One Hundred Thousand Dollars, for the purpose of defraying the Current Expenses of the City of Indianapolis during balance of the Fiscal Year ending on May 15th, 1879.



And was passed by the following vote :

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

NAYS—None.

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

Ap. O. 78, 1878—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employes.

And was passed by the following vote :

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

NAYS—None.

#### NEW BUSINESS.

The City Attorney submitted the following report :

*Indianapolis, December 17, 1878.*

To the Members of the Board of Aldermen and Common Council:

*Gentlemen:*—In the case of Flatherty v. The City, I am informed that the same can be settled by a payment of \$50 by the city.

This is a case where the plaintiff sued for damages, occasioned by falling over a stump near the curbstone on Maryland street. The case was tried once before a jury, and resulted in a disagreement. Since that time, the plaintiff has died, and her son and administrator proposes to settle with the city for the above sum.

While I think there is no liability against the city, and do not think a trial of the cause would result in a judgment against the city, still I am of the opinion that it would be economy on the part of the city to settle the case as indicated. I would desire that your honorable bodies would instruct me what action to take in the matter.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

Alderman Grubbs moved that this case be settled by payment of the sum (\$50) above reported; but the Board of Aldermen refused to adopt such motion.

The Aldermanic and Council Committees on Public Buildings submitted the following joint report; and the rental therein stipulated was duly approved, and it was ordered that a one year's lease be made in accordance with recommendation given :

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

Your Committee on Public Buildings, together with the like committee of the Common Council, to which was referred the committee report to the Common Council in reference to the renting of that portion of the Tomlinson Estate, known as No. 34 E. Washington street, occupied by I. L. Frankem, would respectfully

report that the committees met (all present except Mr. Coburn), and, upon enquiry as to the price paid for other property on the street near the said property, agree that \$1750 per year is fully up to the average price paid for like property in the neighborhood. And while the committee was informed that some person would pay a slight advance on that price, we deem it just, in consideration of Mr. Frankem having established a business in the property and made extensive repairs, and is carrying an insurance policy of \$3000 in favor of the city, that he should continue to occupy the property at a fair rental, fixed upon a basis of the rental of other property in the neighborhood.

We recommend that the City Attorney be instructed to prepare a lease for one year, at the above price, with the privilege of a longer time (unless sold by the city), at a price to be fixed yearly.

Respectfully submitted,

I. W. STRATFORD,  
D. MUSSMANN,  
H. COBURN,  
Aldermanic Committee.  
GEORGE ANDERSON,  
HENRY BERMANN,  
CHRISTIAN OFF,  
Council Committee.

It being reported that the Common Council had adjourned to meet on Monday evening, 23d instant, on motion, the Board of Aldermen was adjourned to meet on next Tuesday evening, at the usual hour.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.