

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 7, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, January 7th, A. D. 1879, at half-past seven o'clock, in regular session.

PRESENT—His Honor, the President, Win. D. Wiles, in the Chair, and Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and Stratford—9.

ABSENT—Alderman Snider—1.

The Proceedings of the Board of Aldermen, for the regular session, held on December 17th, 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:

*Gentlemen*:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its adjourned session, held last evening (December 23d, 1878), for your action upon same.

For the Common Council:

BENJ. C. WRIGHT, City-Clerk.

The following report from the City Clerk [which had been duly approved by the Common Council—see page 697, *ante*], was read, and the Council action, above set forth, was duly concurred in:

*Indianapolis*, December 23, 1878.

To the Common Council and Board of Aldermen:

*Gentlemen*:—I would respectfully report, that I have, this day transmitted to the City Commissioners the petition, plats, and resolutions, in the matter of the vacation of that portion of East Second street lying south of Massachusetts avenue; also East Maryland street, from East street to Pogue's Run; and that I issued notices, according to law, to the City Commissioners, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

The following Council motion was read; and the reference of same to the Council and Aldermanic Committees on Sewers, with the City Attorney, who were given power to act [see page 698, *ante*], was duly confirmed:

That Kingan & Co. be, and they are hereby, granted permission to construct a sewer from their Works to White River—the work to be done at the expense of Kingan & Co., under the direction and superintendence of the City Civil Engineer.

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

That R. P. Dunning be granted sixty days to complete his contract on Georgia street, between Illinois and Meridian streets. Also, that he be allowed a partial estimate on same contract.

That John Low have thirty days' additional time in which to complete his contract for improving the first alley west of Blake street, between Michigan and New York streets.

The following message was also duly received:

*Gentlemen*:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held last evening (January 6th, 1879), for your action upon same.

For the Common Council:

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:

Robert P. Dunning vs. J. Henry Ballman, for.....	\$35 00
John Schier vs. Susan and Louis B. Leonard, for.....	7 35
John Schier vs. Christian Joachimi, for.....	4 35
David A. Haywood vs. Henry Clay, for.....	35 19

and recommending that the precepts be ordered to issue [see page 701, *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**, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

**NAYS**—None.

City Clerk's statement of the amount of orders issued on the city treasury during the month of December, 1878; and the City Treasurer's report of receipts and disbursements during same period [see pages 702 and 703, *ante*], were read; and the action of the Common Council, in referring said statement and report to the Council and Aldermanic Committees on Finance, for joint examination, was duly confirmed.

Reports from Superintendent of City Hospital and Branch of the contents of hospital register, expenditures, etc., for the month of December, 1878 [see page 704, *ante*], were read, and were duly received.

Alderman Stratford appeared, and took his seat.

Report from the Chief Fire Engineer, stating that he had duly notified the proprietors of the Surgical Institute and the Grand Opera House of instructions given him on December 16th and 17th, together with a communication from Dr. H. R. Allen of the Surgical Institute [see page 705, *ante*], were read, and were duly received.

The following report from the Board of Public Improvements was read:

To the Mayor and Members of the Common Council and

Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—Your Board of Public Improvements, to whom was referred the motion "That the Board of Public Improvements be instructed and authorized to secure, by lease, the proper grounds, procure the necessary material, and cause to be erected a suitable building, for the purpose of working the prisoners confined in the Station House; also that they be authorized to make the best possible arrangements for procuring stone to be broken by said prisoners, and used for street improvements," make the following report thereon:

We have written letters to all the owners of stone quarries that we could obtain the address of, and have had replies from nearly all of them. The lowest offer is from St. Paul, on the I., C. & L. Railroad, which is \$1.80 per car load at that place. The freight per car will be \$8, making the stone cost, at the ground we have selected, \$9.80.

This lot is near the I., C. & L. Railroad switch, between Alabama and New Jersey streets. The lot can be leased for the sum of \$100 per annum. The lot is well adapted for the purpose, having about eighty feet frontage on the switch, and ample drive-way in the rear, with entrance from either street. To properly enclose this, ready for work, will cost about \$150. Other grounds have been offered at the same rate, but on account of having the lowest bid on the I., C. & L. Railroad for stone, and by the location of the lot on that road, the city would save a trackage of one dollar per car.

The whole matter is an experiment, but one that has never been tried in this city, and as it will cost but little to see whether we need a work-house of more substantial kind, we recommend this temporary experiment.

Very respectfully submitted,

M. H. MCKAY,  
JOHN L. MARSEE,  
Board of Public Improvements.

And then, on motion, the action of the Common Council, by which said official board were authorized to close the contracts for stone, transportation, and grounds, and empowered to enclose said grounds and to erect buildings thereon as speedily as possible [see page 706, *ante*], was duly concurred in.

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 December, 1878 [see page 706, *ante*], was read, and was duly approved.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, during the three weeks ending January 6th, 1879 [see page 706, *ante*], was read, and was duly received.

Report from the Board of City Commissioners, recommending the vacation of East Second street, lying south of Massachusetts avenue [see pages 707 and 708, *ante*], was read.

The following resolution [which had been duly adopted by the Common Council—see page 708, *ante*], was also read :

*Resolved*, That the report of the City Commissioners, in the matter of the vacation of all that part of East Second street, lying south of Massachusetts avenue, be, and the same is hereby, accepted and adopted, and the said street is hereby ordered to be vacated, in accordance with said report.

Which 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 Board of City Commissioners, recommending the vacation of East Maryland street, between East street and Pogue's Run [see pages 708 and 709, *ante*], was read.

The following resolution [which had been duly adopted by the Common Council—see page 710, *ante*] was also read :

*Resolved*, That the report of the City Commissioners, in the matter of the vacation of East Maryland street, lying east of East street, and between said East street and Pogue's Run, be, and the same is hereby, accepted and adopted, and the said street is hereby ordered to be vacated, in accordance with said report.

Which 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 joint report from the Council and Aldermanic Committees on Accounts and Claims and the City Attorney [which had been duly concurred in by the Common Council—see page 710, *ante*], was read; and the action of the Common Council, as above shown, was duly approved :

*Indianapolis*, January 6, 1879.

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

*Gentlemen*:—Your joint Committee on Accounts and Claims, together with the City Attorney, to whom was referred the bill of Messrs. Claypool & Ketcham, for

services in case of John S. Kennedy et al. v. The City et al., would report that we have examined the matter, and would recommend that they be allowed and paid the sum of \$1500 for their services to date, and that said sum be included in the present appropriation ordinance. And that they be allowed the further sum of \$1000 for services in said case in the Supreme Court of the United States, and also their necessary expenses in said case, not exceeding \$100; and that said last named sum be paid upon the final decision of the case in the Supreme Court. And that the same be in full of all fees in the case.

Respectfully submitted,

JAMES T. LAYMEN,  
SHELDON MORRIS,  
CHRISTIAN OFF,  
Council Committee.

T. E. CHANDLER,  
W. F. PIEL,  
H. COBURN,  
Aldermanic Committee.

R. O. HAWKINS, City Attorney.

The following recommendation of the Council Committee on Accounts and Claims [which had been duly concurred in by the Common Council—see page 710, *ante*] was read; and the action of the Common Council, as above shown, was duly approved:

To the Common Council of the City of Indianapolis:

We respectfully recommend to your honorable body, that the City Civil Engineer be directed to instruct the Indianapolis Gas-Light & Coke Company to make no removal of lamp-posts, unless specially ordered to do so by Council and Board of Aldermen.

JAMES T. LAYMAN,  
SHELDON MORRIS,  
CHRISTIAN OFF,

Committee on Accounts and Claims.

The action of the Common Council, in ordering the payment by the city of a certain certified assessment against the Indianapolis Orphan Asylum, for the improvement of Beech street, from Valley Drive to Lawrence street, amounting to \$108.65 [see page 711, *ante*], was duly concurred in.

The following joint report from the Council and Aldermanic Committees on Finance [which had been approved by the Common Council—see page 711, *ante*], was read; and the action of the Common Council, as above shown, was duly concurred in:

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

*Gentlemen*:—Your Finance Committees respectfully report, that, in pursuance of your order, we advertised for proposals for \$100,000 "Time-Warrants of 1878," as provided in General Ordinance 61, 1878.

The highest and best bid received by your committees was made by Blake Bros. & Co., of Boston, Mass., who offered the sum of \$98,425 for the same. Your committees accepted said bid, caused ten warrants of ten thousand dollars each, and numbered from 1 to 10, inclusive, to be printed, signed by the Mayor and

Clerk, and delivered to the City Treasurer, to be by him delivered to Blake Bros. & Co., upon payment of the amount of their bid.

By this sale of Warrants, the city borrows money at a fraction below 4 8-10 per cent. per annum.

Respectfully submitted,

A. L. WRIGHT,  
JAMES T. LAYMAN,  
SHELDON MORRIS,  
S. SHOWALTER,  
Council Committee.

J. M. RIDENOUR,  
T. E. CHANDLER,  
D. MUSSMANN,  
Aldermanic Committee.

Report from the Council Judiciary Committee and City Attorney, recommending (1) the refunding, to Joseph K. Sharpe, by means of regular allowance and appropriation, the sum of \$42.25, on satisfactory evidence being furnished that said gentleman had paid such amount to the contractor by whom the so-called E. Pearl street sewer had been constructed, aforesaid sum being the assessment against Mr. Sharpe for the portion of such sewer lying in the alley in the rear of his building on the northeast corner of Delaware and Maryland streets [see pages 712 and 713, *ante*], was read; and then, on Alderman Foster's motion, the Board of Aldermen refused to concur in the Council's approval of such recommendation.

The following joint legal opinion of the Council and Aldermanic Judiciary Committees and the City Attorney [which had been duly concurred in by the Common Council—see page 712, *ante*], was read; and the action of the Common Council, as above shown, was duly approved:

*Indianapolis*, January 6, 1879.

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

*Gentlemen*:—Your joint Committees on Judiciary, together with the City Attorney and City Assessor, to whom was referred the communication of Theo. Deitz, protesting against the order of the Common Council and Board, directing the Marshal to proceed to remove the fences that had been placed in Railroad street, would report that we have examined the matter, and are of the opinion that said street is one of the streets of the city, and that the owners of the adjoining property have no right to build fences and buildings in the line of the same.

We would, therefore, recommend that the Marshal be instructed to proceed to carry out the previous order of the Council and Board in relation to said street.

Respectfully submitted,

M. H. MCKAY,  
JOHN L. MARSEE,  
JOHN L. F. STEEG,  
J. M. RIDENOUR,  
D. W. GRUBBS,  
I. W. STRATFORD,  
Committees on Judiciary.

R. O. HAWKINS, City Attorney.

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

That the Council and Aldermanic Committees on Railroads, with the City Attorney, be instructed to enquire into the condition of the tracks and equipments of the Citizens' Street Railway Company and the management of the same; said committee to report, at the next regular meeting of this Council, as to whether the said company are complying with the provisions of the ordinance under which it is allowed the use of the streets; in what particulars it is violating said ordinance, if any; what remedy the city has, as against said company, for violation of said ordinance; whether it is for the best interest of the city to continue this monopoly of the street railway business; and whether the Council can legally grant the right-of-way to any other company.

That John Greene be granted ninety days' extension of time, in which to complete his contract for improving Lawrence street.

Inasmuch as the City of Indianapolis has offered a reward of five hundred dollars for the arrest of ex-Councilman Bugbee, and said city not being liable to any loss by the absconding of said Bugbee; Therefore,

*Moved*, That the reward be, and is hereby, revoked.

That the Fire Board and the Chief of the Fire Department be, and are hereby, authorized to employ two additional men for the Skinner Truck, who shall be called "minute men," and be paid \$20 a month.

The following motions [which had been referred to the Council and Aldermanic Committees on Gas-Light, for joint consideration], were read; and the reference above shown, was duly confirmed :

That the Committee on Gas-Light be instructed to re-place one-half of the street lamps recently displaced on Prospect street, east of Spruce street.

That the Indianapolis Gas-Light and Coke Company be directed to change the gas from the lamp situated on the third alley south of South street, on the east side of West street, and light the lamp at the corner of Root and West streets, south of McCarty street.

The following motion [which the Common Council had referred to the Council and Aldermanic Judiciary Committees, for joint consideration], was read, and the reference above shown was duly confirmed :

That the Common Council and Board of Aldermen of the City of Indianapolis hereby indicate their desire that the General Assembly of the State of Indiana should, at an early day, pass such a law as will require one Treasurer to collect all taxes in the County of Marion, including the City of Indianapolis; also, require one Assessor to make all assessments necessary for the collection of taxes in Centre Township, including the City of Indianapolis; and that both officers be paid by salary—the Treasurer receiving no fees or percentage, except on collection of delinquent taxes.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 714 to 716, and page 718, *ante*], were read the first time :

Ap. O. 1, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

- Ap. O. 2, 1879—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. 3, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 4, 1879—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repair Department of the City of Indianapolis.
- Ap. O. 5, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 6, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.
- G. O. 1, 1879—An Ordinance to amend section 2 of General Ordinance No. 44, 1877, entitled "An Ordinance regulating the Weighing and Sale of Coal and Coke in the City of Indianapolis."

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. 1, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$758.99.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

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

- Ap. O. 2, 1879—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, \$1,009.65.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.



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

Ap. O. 3, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$217.66.]

And was passed by the following vote :

AYES, 8—viz : Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

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

Ap. O. 4, 1879—An Ordinance appropriating the sum of Five Thousand Dollars on account of the Street-Repair Department of the City of Indianapolis.

And was passed by the following vote :

AYES, 8—viz : Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

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

Ap. O. 5, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,980.23.]

And was passed by the following vote :

AYES, 8—viz : Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

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

Ap. O. 6, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$272.30.]

And was passed by the following vote :

AYES, 8—viz : Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

NAYS—None.

By consent, General Ordinance 1, 1879, was read through for information; and then, on Alderman Coburn's motion, it was referred to the Aldermanic Committee on Revision of Ordinances.

## NEW BUSINESS.

Alderman Ridenour offered the following resolution; which was referred to the Aldermanic and Council Committees on Railroads and the City Attorney, for joint consideration:

*Resolved,* That the City Attorney is hereby instructed to prepare an ordinance granting to the Indianapolis Street Railway Company the right to lay down tracks in the streets of Indianapolis, and to operate thereon, cars for the conveyance of passengers, subject to such proper restrictions and regulations as shall fully protect the rights and interests of the city.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.