

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—MARCH 18, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, March 18th, A. D. 1879, 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 March 4th, 1879, 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 read :

To the Board of Aldermen of the City of Indianapolis:

Gentlemen :—At the regular session of the Common Council, held last evening (March 17th, 1879), that body refused to approve your non-concurrent action of the 4th instant, and determined to adhere to its action of the 3d instant, when it instructed the City Attorney to take the case of *Boehl vs. The City*, by appeal, to the General Term of the Superior Court.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

And then, on Alderman Foster's motion, the Board of Aldermen receded from its unfavorable action of the 4th instant, and joined with the Common Council in instructing the City Attorney to appeal the case in question, by and through the following vote :

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

NAYS, 1—viz. : Alderman Grubbs.

The following message was duly received :

To the Board of Aldermen of the City of Indianapolis:

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 (March 17th, 1879), for your action upon same.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

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

A corrected and final estimate in behalf of R. P. Dunning, for grading and bowldering Georgia street, from Meridian street to Illinois street—

860.8 lineal feet, at \$1.19.. .. .	\$1,024 35
Changing manholes.....	1 50
Total estimate.....	\$1,025 85
Former estimate.....	1,025 85

The foregoing corrected estimate is made to correct assessment on former estimate.

And the action of the Common Council, in receiving such report and in approving the accompanying estimate [see page 831, *ante*], was duly concurred in.

The following estimate resolution [which had been duly adopted by the Common Council—see page 832, *ante*], was then read:

Resolved by the Common Council and Board of Aldermen, That the foregoing corrected and final estimate, allowed R. P. Dunning, for grading and bowldering Georgia street, from Meridian street to Illinois 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, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, Stratford, and President Wiles.

NAYS—None.

Report from the City Attorney, stating that the case of Elizabeth Kollman vs. The City, in the Superior Court, had resulted in a verdict against the city for \$1000 [see page 832, *ante*], was read, and was duly received.

Alderman Stratford, as a matter of privilege, requested that the order of business be now set aside, so that Special Ordinance 50, 1878, might be taken up; which request was granted.

Aforesaid ordinance was then read the first time.

On Alderman Stratford's motion, the rules were then suspended in behalf of same ordinance, by the following vote:

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

NAYS—None.

Said ordinance (entitled as follows) was then read the second time :

S. O. 50, 1878—An Ordinance to provide for the erection of lamp-posts, lamps, and fixtures (complete to burn gas, except the service-pipes), on Agnes street, between New York and North streets.

On Alderman Chandler's motion, the foregoing ordinance was then referred to the Aldermanic and Council Committees on Gas-Light, with instructions to report the ordinance back at the next regular meeting of this body.

The following clauses in the report of the Board of Public Improvements [which had been severally concurred in by the Common Council—see pages 832 and 833, *ante*], were read :

1st. Is a motion that Jacob Fritz be permitted to lay a plank driveway across the sidewalk of Yeiser street, in front of his property—the same to be done under direction of the City Civil Engineer.

We recommend concurrence in the motion.

On Alderman Grubbs's motion, it was ordered that Mr. Fritz be required to bowlder the proposed driveway, instead of planking it.

The remainder of the clauses (as below) were severally concurred in :

2d. Is a motion that the Board of Public Improvements, with the City Civil Engineer and the Street Commissioner, be directed to examine the bridge over Pogue's Run, on New Jersey street, and report its condition.

After examination of the bridge, we are of the opinion that a new one should be built as soon as possible, and recommend that the City Civil Engineer be instructed to advertise for proposals to build stone arches, suitable for the place.

3d. Is a motion that the Street Commissioner be directed to fill the chuck-holes in Blake street, between Washington street and Indiana avenue.

We recommend that the motion be amended, so as to read from Michigan street to Indiana avenue, and then adopted.

4th. Is a motion that the Street Commissioner be directed to grade and gravel between Peru Railroad track and their switch track on Christian avenue.

This is a much-needed improvement, will not cost to exceed \$10, and we recommend the work be done.

5th. Is a motion that the Street Commissioner be directed to place a wooden culvert across Yandes street, at the intersection of Seventh street.

We recommend that rolling-mill cinders be substituted for a wooden culvert.

6th. Is a motion that the Street Commissioner be directed to put down two wooden crossings over the gutter at the intersection of Merrill and Missouri streets, on the east side.

We recommend the work be done.

7th. Is a report of the Committee on Bridges. The following motion was referred to said committee: "That the City Civil Engineer be ordered to advertise for proposals to build stone abutments for bridge over the canal on First street." The Committee on Bridges make the following report: "It appears that a mistake was made in the motion as to the street—St. Clair street being meant; and, with that correction of the motion, we recommend its adoption."

After examination of the bridge at the crossing of St. Clair street, we consider the bridge of great importance to that part of the city. The amount of travel demands a more substantial improvement than could be made without stone abutments. We, therefore, recommend the report of the committee be adopted.

8th. Is a motion that the Street Commissioner be directed to put a cinder crossing across Buchanan street, opposite No. 13 School-House.

We recommend the work be done.

Alderman Stratford was excused for the balance of this session.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, during the two weeks ending March 15th, 1879 [see page 833, *ante*], was read, and was duly received.

Report from the Council Committee on Finance, stating that an examination of the financial reports of the City Clerk and City Treasurer had been made, and that said reports were found to be correct [see page 836, *ante*], was read, and was duly approved.

Alderman Coburn appeared, and took his seat.

The following clauses in the report from the Council and Aldermanic Judiciary Committees and the City Attorney [which had been severally concurred in by the Common Council—see pages 836 and 837, *ante*], were read:

First. Is the petition of Elizabeth Barth, to have money refunded, to the amount of seventeen (17) dollars. The petitioner states that, by an oversight, she paid, on November 18th, 1878, city taxes on lot 3, square 10, Affenstranger's Sub., \$17; that the above lot was attached, on tax-duplicate, to lot 1, in square 10, Affenstranger's Sub., and so, by mistake, paid the tax on both, in place of paying only on lot 1, square 10; and on account of such oversight, she asks to have the \$17 refunded.

After careful investigation of this case, we recommend the prayer of the petitioner be *not* granted.

Alderman Grubbs called attention of the Board to the fact that he had objected to the finding of his associates in the preceding case, and moved that this body should refuse to approve of the Council's favorable action thereon.

Alderman Foster, as an amendment to the preceding motion, moved that the Board concurrently approve the recommendation in preceding clause; which was accordingly done through the following vote:

AYES, 5—viz.: Aldermen Foster, Mussmann, Piel, Ridenour, and President Wiles.

NAYS, 4—viz.: Aldermen Chandler, Coburn, Grubbs, and Snider.

The following clauses were severally concurred in without dissent:

Second. Is a motion, "That the Street Commissioner be instructed to erect suitable fences along the banks of Pogue's Run, where regularly laid out streets and alleys run along its banks—especially along the west bank of said Pogue's Run, from the Union Depot to Garden street."

We recommend this motion be referred to the Board of Public Improvements, with power to act.

Third. Is the bond of Levi H. Rowell, in the penal sum of \$3000, for the faithful performance of his duties as Market-Master for the West Market for the unexpired term of Chas. N. Lee, resigned. The bond is signed by Levi H. Rowell, W. W. Scott, and J. W. Hervey.

We find, after examination, the bond correctly drawn, properly executed, and the bondsmen responsible; and, therefore, recommend its approval.

Fourth. Is the petition of Frank McWhinney, to have money refunded on account of erroneous tax-sale. The petitioner represents that, on the 14th day of February, 1876, at a public tax-sale held by the City of Indianapolis on said day, he purchased from the City Treasurer a tax-sale certificate on the following described property: Sixty feet by sixty-five feet off of the north end of lot No. 10, and the northwest corner of lot No. 11, in square 77, in the City of Indianapolis. The property was sold in the name of Anton J. Deer, for the taxes of 1873, 1874, and 1875, and for which tax certificate petitioner paid to the City Treasurer the sum of two hundred and sixty-nine dollars and eleven cents (\$269.11). And petitioner further represents that he has since paid the taxes of 1876, being in amount \$78.40, paid December 26th, 1876; and the taxes of 1877, being in amount \$56, paid March 30th, 1878; and the taxes of 1878, being in amount \$49.14, paid December 16th, 1878.

Petitioner asks and demands that the above amounts, with interest, be refunded him, on the ground that the above described property is church property, and not liable for the taxes for the years 1873, '4, '5, '6, '7, and '8. Attached to the petition is the certificate of William Hadley, City Assessor, to the effect that the facts, as set forth in the petition, are true; that the property is exempt according to law, and therefore the money should be refunded.

We find, by reference to the records, that the above described real estate was conveyed, by warranty deed, dated June 23d, 1870, and recorded July 2d, 1870, from Louisa Mary Schmitt and husband to Sister Antonia T. Dreer. The property has been, and is, used and held as church property since that date, and is, by statutory provision, exempt from taxation. We, therefore, recommend the prayer of the petitioner be granted.

Fifth. Is the lease of the property known as 34 E. Washington street, from the City of Indianapolis to Isaac L. Frankem, for one year only, from the first day of January, 1879, for the sum of seventeen hundred and fifty (1750) dollars, to be paid quarterly, on the first days of April, July, October, and January, accompanied by receipt of the City Treasurer, in full for rent to January 1st, 1879. The lease is correctly drawn, and is signed by Isaac L. Frankem in duplicate.

We recommend the lease be approved, and signed in duplicate by His Honor, the Mayor; that the City Clerk be directed to keep the original, and deliver the duplicate to Isaac L. Frankem.

We recommend that the Committee on Accounts and Claims be, and are hereby, instructed to include all allowances approved in this report in the next general

appropriation ordinance, and that the City Clerk be directed to draw his warrant on the City Treasurer for such amounts, in favor of the parties to whom said allowances are made.

The bond of Levi. H. Rowell (mentioned in the third clause of preceding report), and the lease of No. 34 E. Washington street (mentioned in the fifth clause) were then submitted, and were severally and concurrently approved.

Report from Council Committee on Railroads, recommending the amendment of the Aldermanic resolution, ordering a street railway route in and along Indiana avenue, from Illinois street to Blake street [see pages 659 and 660, *ante*], so as to read "to West street," together with the aforesaid resolution, amended in conformity with recommendation made [and which had been duly adopted by the Common Council—see page 838, *ante*], were read.

Alderman Grubbs moved that the foregoing matter be referred to the Judiciary Committee and the City Attorney, with instructions to report on any possible legal questions involved at the next meeting of this body; which motion was rejected by the following vote:

AYES, 4—viz.: Aldermen Foster, Grubbs, Mussmann, and Ridenour.

NAYS, 5—viz.: Aldermen Chandler, Coburn, Piel, Snider, and President Wiles.

The following amendatory resolution was then read:

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 West 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 adopted by the following vote:

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

NAYS—None.

Petition from S. T. & J. W. Bartholomew, for license to sell by auction [see page 849, *ante*], was read; and the action of the Common Council, in granting the prayer of said petition, was duly concurred in.

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

That Thomas Canton be allowed to pave with brick his sidewalk, in front of 102 and 96 on W. Fayette street, at his own expense—the work to be done under the direction of the City Civil Engineer.

That the Street Commissioner be directed to notify the Citizens' Street Railway Company to repair St. Joseph street, between Meridian and Pennsylvania streets, as that railway company, on taking up its track, has left the street in bad condition, and property owners, in that neighborhood, are grumbling. If the Citizens' Street Railway Company fail to repair this street inside of ten days, the Street Commissioner shall make the necessary repairs, and collect the cost from the said railway company.

That Becker & O'Reilly be granted permission to construct a bowldered wagon-way across sidewalk in front of their blacksmith shop, southwest corner of Washington and California streets—the work to be done in accordance with ordinance governing such work.

That William L Morgan be granted permission to lay a stone crossing from his place of business, 28 Louisiana street, to the Union Depot—said work to be done at his own expense, and under the directions of the City Civil Engineer.

That the Market-Master at the West Market be required to move the stands occupied by Joseph Rothschild and Conrad Gemmer (unless they pay up back rents within one week) back from Washington street, and that they be deprived the privilege of selling their wares at any of the public markets in the city.

The following motion [which the Common Council had referred to the Council and Aldermanic Committees on Parks, with power to act—see page 842, *ante*], was read; and said reference and power were duly confirmed:

That the Committee on Parks be instructed to lease the part of the South Park lying south of the railroad, to Henry Steinecker, for the coming year, if the same is not now included in the lease of the park.

The following motions [which the Common Council had referred to the Board of Public Improvements, with power to act—see pages 848 and 849, *ante*], were read; and said reference and power were duly confirmed:

That the Street Commissioner be directed to fill a chuck-hole at the intersection of Catharine and Missouri streets. Two loads of gravel or cinders will be sufficient.

That the Citizens' Street Railway Company be ordered to take up and remove their string timbers on Kentucky avenue and Tennessee street, and place these streets in good condition for travel.

The following Council motion was duly adopted, after it had been amended by requiring the driveway to be constructed of "bowlders" instead of "planks":

That David Russell be granted permission to lay a plank driveway over the sidewalk in front of his foundry, on Biddle street—the same to be done at his own expense, and under the directions of the City Civil Engineer.

The following Council motion was adopted, after it had been amended by adding "His Honor, the Mayor, and the City Attorney" as associates with the committees to whom the matter had been referred:

That the two Committees on Finance be instructed to examine into the practicality of raising revenue for city purposes from other sources than taxation on real and personal property, and report to this Council at our next regular meeting.

The following Council motions were severally adopted, after they had been amended by adding the phrase "under the direction of the City Civil Engineer":

That W. H. Hammons be allowed to build a bridge across the gutter in front of his place of business, on Daugherty street; also, to put a cinder-crossing across said street, and to pave the sidewalk with brick—all of said work to be done at his own expense.

That Claffey & Seele be allowed to build a bridge across the gutter in front of their place of business, on Virginia avenue.

The following Council motion was duly adopted, after it had been amended by inserting the word "boulder" before "driveway" in the second line, and adding the phrase "under direction of the City Civil Engineer":

That John L. S. Arnold be allowed to build a bridge across the gutter in front of his place of business, on Virginia avenue; also a driveway across the sidewalk, at his own expense.

The following Council motion was, on Alderman Grubbs's motion, referred back to its author, for the purpose of having the exact location of the proposed repair specifically stated:

That the Street Commissioner be directed to notify the Indianapolis Gas-Light and Coke Company to repair the sidewalk in front of Virginia avenue.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 852 to 854, *ante*], were read the first time:

- S. O. 22, 1878—An Ordinance to provide for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee street.
- S. O. 58, 1878—An Ordinance to provide for improving the first alley west of California street, from Pratt street to First street, by grading and graveling.
- S. O. 59, 1878—An Ordinance to provide for re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street.
- Ap. O. 17, 1879—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employes.
- G. O. 8, 1879—An Ordinance to provide for the Assessment of Real and Personal Property in the City of Indianapolis, for the purpose of taxation for the year 1879.
- G. O. 10, 1879—An Ordinance fixing the dates of the beginning and ending of the Fiscal Year for the City of Indianapolis.

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, Snider, and President Wiles.

NAYS—None.

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

S. O. 22, 1878—An Ordinance to provide for grading and bowldering Maryland street and the north gutter thereof, from Illinois street to Tennessee street.

And was passed by the following vote :

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

NAYS—None.

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

S. O. 58, 1878—An Ordinance to provide for improving the first alley west of California street, from Pratt street to First street, by grading and graveling.

And was passed by the following vote :

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

NAYS—None.

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

S. O. 59, 1878—An Ordinance to provide for re-grading and re-paving the east sidewalk of Virginia avenue, from Maryland street to Alabama street.

And was passed by the following vote :

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

NAYS—None.

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

Ap. O. 17, 1879—An Ordinance appropriating money for the payment of Salaries and Compensations of City Officers and Employes. [Amount appropriated, \$18,176.38.

And was passed by the following vote :

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

NAYS—None.

SIG. 90.

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

G. O. 8, 1879—An Ordinance to provide for the Assessment of Real and Personal Property in the City of Indianapolis, for the purpose of taxation for the year 1879.

And was passed by the following vote :

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

NAYS—None.

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

G. O. 10, 1879—An Ordinance fixing the dates of the beginning and ending of the Fiscal Year for the City of Indianapolis.

And was passed by the following vote :

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

NAYS—None.

NEW BUSINESS.

The Committee on Streets and Alleys, through Alderman Piel, submitted the following report; which was duly concurred in :

To the Board of Aldermen of the City of Indianapolis :

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred a motion by Alderman Mussmann, made March 4th, 1879, "That the Street Commissioner be ordered to repair S. Meridian street, by putting gravel on said street, wherever necessary," would respectfully report, that they have examined said street, and find it in a very bad condition; and would, therefore, recommend that the Street Commissioner be ordered to repair said street, between McCarty and Morris streets, where necessary, with coarse gravel, not exceeding twenty-five loads.

W. F. PIEL,
R. S. FOSTER,
I. W. STRATFORD.

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

That the City Attorney be requested to prepare a bill and present the same to the General Assembly of the State of Indiana, which said bill will authorize the city to raise a revenue by a general system of licences.

That the General Ordinance entitled "An Ordinance regulating the erection of Public Lamps, and providing for lighting the Streets and Alleys of the City of Indianapolis with Gas (ordained May 31st, 1869)" be referred to the Council and Aldermanic Committees on Gas-Light, with instructions to consider the amend-

ment of sections 2 and 3 of said ordinance, so that the number of lamps on all but Washington street, the four principal avenues, and Meridian and Illinois streets, from Washington street to Louisiana street, be reduced to three on each square frontage.

Alderman Mussmann offered the following motions ; which were severally referred to the Board of Public Improvements, who were given power to act :

That the Street Commissioner be ordered to repair Chestnut street, between Madison avenue and Ray street.

That the Street Commissioner be ordered to fill up the chuck-holes in Madison avenue.

Alderman Piel offered the following motion ; which was referred to the Board of Public Improvements, who were given power to act :

That the Street Commissioner be instructed to fill the chuck-holes in Morris street, between West and Dakota street, with coarse gravel.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.