

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—NOVEMBER 5, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, November 5th, A. D. 1879, at half-past seven o'clock, in regular session.

PRESENT—His Honor, the President, J. M. Ridenour, in the Chair, and Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, and Seibert—8.

ABSENT—Aldermen Drew and Grubbs—2.

The proceedings of the Board of Aldermen, for the regular session, held on October 22d, 1879, and for the Fourth Joint Convention, held October 24th, 1879, having been printed, and placed on the desks of the Aldermen, said proceedings were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was received :

To the President and Members of the Board of Aldermen :

Gentlemen :—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held on Monday evening, November 3d, 1879, for your action upon same.

For the Common Council :

JOS. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read ; and this body concurred in the action of the Common Council [see page 604, *ante*] in receiving such report, and in approving the accompanying estimates :

To the Common Council of the City of Indianapolis :

Gentlemen :—I herewith report the following estimates :

A first and final estimate in behalf of J. L. Spaulding, for improving the north sidewalk of Washington street (where not already properly improved), from White River bridge to Ray street—

984.82 lineal feet, at 90 cents	\$ 886 33
36.48 cubic yards extra gravel, at 50 cents.	18 24
58 66 cubic yards extra embankment, at 15 cents.....	8 80
Total estimate.....	\$ 913 37

A first and final estimate in behalf of James Mahoney, for grading and graveling Chesapeake alley and sidewalks, from Missouri street to the first alley west of Missouri street—

435 lineal feet, at 22 cents.....	\$ 95 70
3 yards extra gravel, at 55 cents.....	1 65
Total estimate.....	97 35

A first and final estimate in behalf of George Woodfill & Son, for grading, and paving with brick, the south sidewalk of Seventh street, from Illinois street to Tennessee street—

419.9 lineal feet, at 25 cents.....	\$ 104 97
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Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following estimate resolution [which had been adopted by the Common Council—see page 604, *ante*] was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of J. L. Spaulding, for improving the north sidewalk of Washington street (where not already properly improved) from White River bridge to Ray 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 it was adopted by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following estimate resolution [which had been adopted by the Common Council—see page 604, *ante*] was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of James Mahoney, for grading and graveling Chesapeake alley and sidewalks, from Missouri street to the first alley west of Missouri 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 it was adopted by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following estimate resolution [which had been adopted by the Common Council—see page 605, *ante*] was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate in behalf of George Woodfill & Son, for grading, and paving with brick, the south sidewalk of Seventh street, from Illinois street to Tennessee 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 it was adopted by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following petition [granted by the Common Council—see pages 605 and 606, *ante*], was read; and, on motion by Alderman Chandler, was referred to the Judiciary Committee and City Attorney, with instructions to investigate, and if they find that the proceedings have been informal or illegal, to prepare and submit an ordinance repealing S. O. 48, 1878:

Indianapolis, November 3, 1879.

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

The undersigned, owners of property upon the line of Highland street, from Washington to Ohio, desire to call the attention of your honorable body to the legislation that has been had in reference to the improvement of this street. The original ordinance, being No. 48, 1878, was "An Ordinance to provide for improving Highland street from Washington street to Miami street, by grading and graveling the street and sidewalks, and bowldering and curbing with stone the gutters thereof."

The law requires the pendency of all such ordinances to be advertised before the passage thereof, and whatever advertising was done in this case was done upon the original ordinance. At a subsequent meeting of the Council the ordinance was changed, both in the title and body of the same, so as to describe a very different improvement, and it was passed as changed. The ordinance, as changed, describes an improvement from Washington street to Ohio, while the original describes one from Washington to Miami. No advertisement was ever made of the pendency of the new or changed ordinance, and we therefore submit that the ordinance as it now stands has not been legally passed, and the Council can not award a contract and proceed to make the improvement under it, and compel the property owners to pay the expense.

We wish, also, to call your attention to the fact that the present proposed plan of grading Highland street will cut down the grade of Market street about $1\frac{1}{4}$ feet at its intersection with Highland street and will leave it in a very bad condition, unless in some way improved. While Highland street, between Washington and Market the distance of one square, will be left with a very deep depression or valley about half way between the streets, and the grade will be so steep that the gravel placed upon it will in a very short time be entirely washed off. An examination of the locality will demonstrate to any person that before any lasting improvements are made the grades of Market and Highland streets, at the point of intersection, must be very material'y changed, as the intersection is upon the apex of a steep knoll, and when the grades of the two streets are properly established they will have a gradual descent, sufficient to properly drain them, and no more. Again, the plan of the proposed improvement will cause the flooding of a large portion of petitioners' property by the surface water that will thereby be drained upon it.

As the expense of this improvement is to be paid by your petitioners, we desire before it is made that the proper steps be taken so that the same shall be an advan-

tage to our property instead of an injury. We are informed that a contract is about to be entered into by the city for the prosecution of this work, and we therefore earnestly protest against it, and ask your honorable body to take no further steps towards making the improvement until such time as the grades of the streets can be properly made, and an improvement made then will be a permanent one. We make this request feeling that when the facts are known you will not hesitate to grant it, and because we preferred calling your attention to it in this manner instead of at once instituting proceeding to enjoin the prosecution of the work, thereby causing trouble and useless expense.

We therefore trust that your honorable body will grant our request.

Fred. Knefler, Henry Latham, Charles Latham,
Edward King.

The following report from the City Clerk was read:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I herewith report the following affidavits, now on file in my office, for the collection of street assessments by precept, to-wit:

John W. Richardson vs. Henry Scharn, for.....	\$ 36 20
Henry Clay vs. Catherine Karney, for.....	25 90

and recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

And this body concurred with the Common Council, in ordering the precepts to issue [see page 606, *ante*], by the following vote:

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following report from the City Clerk [received by the Common Council—see pages 606 and 607, *ante*] was read; and, on motion by Alderman Coburn, was laid on the table:

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

Gentlemen:—On the 25th day of October, 1879, the Indianapolis, Decatur & Springfield Railway Company, by and through her proper officers, filed in my office their acceptance of the terms and conditions of G. O. 55, 1879, which acceptance is in the words and figures as follows, to-wit:

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

The Indianapolis, Decatur & Springfield Railway Company does hereby accept the terms and conditions set forth in an ordinance entitled ‘An Ordinance authorizing the Indianapolis, Decatur & Springfield Railway Company to construct and maintain a double track into and through the City of Indianapolis, and prescribing the terms thereof,’ ordained and established by the Common Council and Board of Aldermen of the said City of Indianapolis, upon the twenty-second day of October, eighteen hundred and seventy-nine.

INDIANAPOLIS, DECATUR & SPRINGFIELD RY CO.

Per H. B. HAMMOND, President.

Attest: A. DUPRA, Secretary.”

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

The following report from the City Attorney [received by the Common Council—see page 610, *ante*] was read, and received:

Indianapolis, November 3, 1879.

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

Gentlemen:—In the case of Charles Boehl vs. The City, the Superior Court, in General Term, has affirmed the judgment of the Court at Special Term. There was a judgment below in favor of the plaintiff for three dollars, being a balance alleged to be due plaintiff as one of the patrolmen of the city.

Respectfully submitted, JOHN A. HENRY, City Attorney.

Report from the Hospital Board, submitting corrected report for the month of September [see page 611, *ante*] was read, and received.

Report from the Police Board, in relation to the construction of two cells in the Sixth Street Station House, was read; and the action of the Common Council thereon [see pages 611 and 612, *ante*] was approved.

Report from same official board, in relation to the detailing of officer Shelton for special duty [see page 612, *ante*] was read and received.

The following clauses in the report of the Board of Public Improvements were read; and the favorable action of the Common Council thereon [see pages 612, 613, and 614, *ante*], was approved, except the second clause, which was referred to the City Attorney:

2d. Is a motion that your Board report to the Council the best price that can be had for the strip of ground belonging to the city on the east side of Pine street, immediately south of St. Clair street, or what good use it can be put to by the city.

We recommend that the City Clerk be authorized to advertise the above mentioned property for sale, and the proceeds of said sale to be turned over to the City Treasurer—bids to be received until Monday noon, December 1st, 1879.

3d. Is a petition from the property holders on Louisiana street, between Meridian and Illinois streets, to have said street re-bowldered.

We have examined said street, and recommend that the Street Commissioner repair it where, in his judgment, it is needed.

5th. Is a motion that the Street Commissioner be instructed to clean the gutters on South street, between Delaware street and the railroad crossing.

We recommend the work be done.

6th. Is a motion that the Street Commissioner repair the east crossing of Illinois street, at its intersection with Maryland street.

We find this crossing in a very bad condition. To repair it would require new wooden blocks for the entire intersection. As that is one of the thoroughfares of our city, we recommend a double stone crossing instead of repairs, as asked for in the motion.

7th. Is a motion that the grade of the north gutter of Maryland street, between Tennessee and Mississippi streets, be raised to allow a free flow of water.

We recommend the gutter be cleaned, believing this will accomplish the object of the motion.

8th. Is a motion to fill the chuck-holes on New Jersey street, between Washington and New York streets.

We recommend the work be done.

9th. Is a motion that the Street Commissioner fill the mud-holes at the intersection of Alabama and North streets.

We recommend the work be done.

10th. Is a motion that the Street Commissioner clean the gutters on St. Clair street, east of East street, and repair the grading half square west of Massachusetts avenue.

We recommend the work be done.

14th. Is a motion that your Board order the Street Commissioner to fill the chuck-holes on Mississippi street, north of Second street, with broken stone or raked river gravel.

We recommend the work be done.

16th. Is a motion that the Street Commissioner repair the gutters on Alabama street, between Merrill and McCarty streets, with Rolling Mill ciaders, to prevent washing out.

We recommend the work be done.

17th. Is a motion that Edward King and G. H. Voss be directed to remove the fence from the sidewalk in front of their property on West Washington street.

We recommend that the City Marshal be directed to at once notify the above named property owners to comply with the demand of the motion.

Report from Board of Public Improvements and Street Commissioner, giving a statement of expenditures on account of the Street-Repairs Department, for the month of October, 1879 [see page 614, *ante*], was read and concurrently approved.

Report from the City Dispensary Board, for the month of October, 1879 [see page 616, *ante*], was read and received.

Reports from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from October 1st to 15th, and from October 16th to 31st, 1879 [see page 615, *ante*], were read and received.

Report from same official Board, stating certain transactions of that Department [see page 616, *ante*], was read and received.

The following clauses in the report of the Finance Committee were read; and the favorable action of the Common Council thereon [see page 617, *ante*], was approved:

1st. The City Clerk's statement, by accounts, of orders drawn upon the City Treasurer during the month of September, 1879.

2d. The report of Wm. G. Wasson, City Treasurer, of receipts and disbursements for the month of September, 1879.

A comparison of above mentioned financial statements with the books of the City Treasurer and City Clerk having shown said statements to be in form and correct, we recommend the same be duly approved.

Report from the Committee on Printing [see page 620, *ante*], was read and concurrently approved.

The following motions [adopted by the Common Council—see pages 616 and 620, *ante*] were read, and were concurrently adopted :

That this body recommend the appointment of Michael Steinhauer to fill the vacancy on Board of City Commissioners, caused by the resignation of Mr. Mix.

That the Committee on Printing be authorized to employ all necessary assistance, and to obtain as soon as possible all necessary statistics of our city for the proper State authorities, and to make the same as complete as possible.

The following entitled ordinances [passed by the Common Council—see pages 627 and 628, *ante*], were read the first time :

- Ap. O. 68, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 69, 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. 70, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 71, 1879—An Ordinance appropriating the sum of Five Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.
- Ap. O. 72, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 73, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

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

- Ap. O. 68, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$796.86.]

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

- Ap. O. 69, 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, \$1,088.85.]

Resolved, That while we can not pledge ourselves to attend as a body, we cordially recommend an acceptance of the invitation by such of our membership as can make it convenient so to do.

Which were adopted by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

REPORTS FROM STANDING COMMITTEES.

The Committee on Railroads, through Alderman Layman, submitted the following report :

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

Gentlemen :—The petition of G. R. Root, which was referred to your Committee on Railroads, asking permission to extend his switch across the alley between Pennsylvania and Meridian streets, and between Georgia and the Union Railroad track, offer the following report: That the prayer of the petition be granted, and the work be done under the supervision of the City Civil Engineer.

Respectfully submitted,

James T. Layman,
Hiram Seibert,
Committee on Railroads.

November 5, 1879.

Alderman Coburn presented the following remonstrance :

Indianapolis, November 5, 1879.

To the Mayor and Common Council of the City of Indianapolis :

Gentlemen :—The undersigned, owners of the real estate, and business men, fronting on Meridian street, between Georgia street and Union Railroad tracks, respectfully remonstrate against the passage of a motion providing for the continuing of a switch across the alley between Pennsylvania and Meridian streets, and Georgia street and the Union Railroad tracks. Motion signed by G. A. Root.

The continuance of the said switch will be of great damage to the property holders, necessitating the removal of tenants occupying the premises, and a great nuisance and annoyance to business men in that locality.

And your petitioners will ever pray, etc.

J. F. Ramsay; Hide, Leather & Belting Co.; Williams, Pee & Stoneman; Syfer, McBride & Co.; M. W. Groves; Fahndley & McOrea; F. L. Spahr; W. H. Cook; F. W. Miller; Griffith Bros.; Samuel Ach; Conduitt, McKnight & Co.; N. M. Ross.

On motion, the foregoing report, with the remonstrance, was referred back to the same committee, and the City Attorney.

MISCELLANEOUS BUSINESS.

Alderman Chandler introduced the following entitled ordinance, which was read the first time, viz. :

G. O. 62, 1879—An Ordinance to repeal an ordinance entitled "An Ordinance authorizing the Indianapolis, Decatur & Springfield Railway Company to construct and maintain a double track into and through the City of Indianapolis, and prescribing the terms thereof," ordained and established October 22d, 1879.

On motion by Alderman Chandler, the rules were suspended by the following vote, for the purpose of placing the above entitled ordinance on its second and third reading and final passage, viz. :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The above entitled ordinance was then read the second time, ordered to be engrossed, read the third time, and passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

Alderman Layman offered the following motions ; which were referred to the Board of Public Improvements :

That the Street Commissioner be, and is hereby, directed to build a wooden bridge across the gutter at the intersection of New Jersey street and Fort Wayne avenue, on north side.

That the Street Commissioner be, and is hereby, directed to lay a cinder crossing from the northwest corner of St. Joseph and New Jersey streets to the southwest corner of New Jersey street and Fort Wayne avenue.

PENDING ORDINANCES.

The following entitled ordinance was taken up on its second reading :

G. O. 59, 1879—An Ordinance to repeal an ordinance entitled "An Ordinance to provide the Committees of the Common Council and Board of Aldermen of the City of Indianapolis with a Clerk, and prescribing the Duties of such Clerk," ordained and established October 8th, 1879.

Alderman Layman moved that the ordinance be ordered engrossed ; which motion was not adopted.

On motion by Alderman Seibert, the ordinance was stricken from the files by the following vote :

AYES, 5—viz. Aldermen Chandler, Mussmann, Newman, Piel, and Seibert.

NAYS, 3—viz. Aldermen Coburn, Layman, and President Ridenour.

Alderman Chandler, by consent, offered the following resolution :

Resolved, That the vote by which the ordinance granting the Indianapolis, Decatur & Springfield Railway Company to construct and maintain a double track into and through the City of Indianapolis, and prescribing the terms thereof, be reconsidered.

Which motion was adopted by the following vote :

AYES, 7—viz. Aldermen Chandler, Coburn, Layman, Mussmann, Newman, Piel, and President Ridenour.

NAYS, 1—viz. Alderman Seibert.

On motion by Alderman Chandler, the whole subject was referred to the Mayor, Committees on Judiciary, Railroads, and City Attorney.

On motion, the Board of Aldermen then adjourned.

J. M. RIDENOUR, President.

Attest: GEO. T. BREUNIG, Clerk.