

# PROCEEDINGS OF BOARD OF ALDERMEN.

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REGULAR SESSION—NOVEMBER 19, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, November 19th, 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, Drew, Grubbs, Layman, Mussmann, Newman, Piel, and Seibert—9.

**ABSENT**—Alderman Coburn—1.

The proceedings of the Board of Aldermen, for the regular session, held on November 5th, 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 special session, held on Wednesday evening, November 12th, 1879, for your action upon same.

For the Common Council :

JOS. T. MAGNER, City Clerk.

The following clause in the report of the Committees on Contracts was read ; and this body concurred with the Common Council in concurring in the same, and in awarding the contract as recommended [see page 645, *ante*] :

*First.* For grading and graveling Newman street and sidewalks, from Hill avenue to Seventh street—

Henry Clay, \$1.12 per lineal foot front on each side.

Dewey, Twiname & Graham, 75 cents per lineal foot front on each side.

Fred. Gansberg, 65 cents per lineal foot front on each side.

E. B. Elliott, 64 cents per lineal foot front on each side.

D. A. Haywood, 60 cents per lineal foot front on each side.

D. A. Haywood being the lowest and best bidder, we recommend he be awarded the contract.

The following contracts and bonds were read; and this body concurred with the Common Council in approving the same [see page 646, *ante*]:

Contract and bond of Henry C. Roney, for grading and graveling Madison avenue, from Nebraska street to the Jeffersonville, Madison & Indianapolis Railroad tracks. Penalty of bond, \$2,000; surety, Charles S. Roney.

Contract and bond of David A. Haywood, for grading and graveling Newman street and sidewalks, from Hill avenue to Seventh street. Penalty of bond, \$1,500; surety, C. S. Roney.

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 17th, 1879, for your action upon same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following report from His Honor, the Mayor, was read; and this body concurred with the Common Council in approving same [see page 647, *ante*]:

Indianapolis, November 17, 1879.

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

*Gentlemen*:—The amount of fines collected by me during the month of October, 1879, due the city treasury, was \$65.76; which amount I have paid to the City Treasurer, and filed his receipt therefor with the City Clerk.

Respectfully submitted,

J. CAVEN, Mayor.

The following report from the City Civil Engineer was read; and this body concurred with the Common Council, in reconsidering the award of the contract to Geo. Woodfill & Son, and in awarding the contract to John Schier [see pages 647 and 648, *ante*]:

To the Common Council of the City of Indianapolis:

*Gentlemen*:—At a meeting of your honorable body on the 20th day of October, 1879, George Woodfill & Son were awarded a contract for grading, and paving with brick, the sidewalks of Madison avenue, from Nebraska street, south, to the Jeffersonville Railroad tracks.

I would report that said parties have failed to file a contract and bond under said award.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

The following report from the City Civil Engineer was read; and this body concurred in the action of the Common Council [see page 648, *ante*] in receiving the 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 David A. Haywood, for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets—

4247 lineal feet, at 30½ cents .....	\$1,295 33
11 yards of gravel, at 60 cents.....	6 60
Total estimate.....	\$ 1,301 93

A first and final estimate in behalf of William Morrison, for grading and graveling the alley between Illinois and Meridian streets, and the sidewalks thereof, from North street to Walnut street—

780 lineal feet, at 21 cents.....	\$ 163 80
2 yards of gravel, at 75 cents .....	1 50
Total estimate.....	\$ 165 30

A first and final estimate in behalf of E. B. Elliott, for grading, and paving with brick, the north sidewalk of Sixth street, from Tennessee street to Engine House No. 5—

150 lineal feet, at 24 cents.....	\$ 36 00
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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 649, *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 David A. Haywood, for grading, and paving with brick, the sidewalks of Meridian street, between Seventh and Twelfth streets, 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**, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

**NAYS**—None.

The following estimate resolution [which had been adopted by the Common Council—see page 649, *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 William Morrison, for grading and graveling the alley between Illinois and Meridian streets, and the sidewalks thereof, from North street to Walnut 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**, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

**NAYS**—None.

The following estimate resolution [which had been adopted by the Common Council—see page 649, *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 E. B. Elliott, for grading, and paving with brick, the north sidewalk of Sixth street, from Tennessee street to Engine House No 5, 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**, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

**NAYS**—None.

Report from the City Attorney, relative to cases tried, etc. [see pages 649 and 650, *ante*] was read and received.

The following resolution, adopted by the Common Council [see page 652, *ante*] was read, and was concurrently adopted by a unanimous rising vote :

**WHEREAS**, John Stuckmeyer, a member of the Common Council of the City of Indianapolis, from May 1874 to May 1876, has been removed from our midst by the hand of death; Therefore,

*Resolved by the Common Council and Board of Aldermen,* That we fully recognize the good qualities and merits of our deceased friend, and deplore his untimely death, that in his death, his family have lost a kind and affectionate husband and father, and we tender them our warmest sympathy in this their affliction.

The following resolution [adopted by the Common Council—see page 653, *ante*] was read :

*Resolved* That the lands and town blocks selected for the City of Indianapolis, in the partition and settlement of the Dallas County, Iowa, branch of the Thomas D. Gregg bequest to said city, and the deed describing and conveying said lands and town blocks to said city, of the aggregate value of \$8,724.58 cents, duly executed by D. H. Gregg, Trustee, on the 30th of September, 1879, and recorded in the Recorder's office of said Dallas County on the same day, in Record No. 33, page 467; and all the acts mentioned and contained in the Report of William Sullivan, this day made relative to his selection of said lands for our city, the division of said lands, and his agreements with the other parties holding interest in said lands, be, and the same are hereby, accepted and approved by this Board of School Commissioners: and said Board now recommend that the Common Council and Board of Aldermen of the City of Indianapolis do adopt and approve the same; and that they do cause two certified copies of this resolution to be made, the one to be forwarded to Dallas County, Iowa, for her use, and the other to be forwarded to Daniel H. Gregg, for the use of the heirs at law of said Thomas D. Gregg, deceased. And this Board of School Commissioners do further recommend, that said city authorize and direct the City Treasurer to receipt to D. H. Gregg, Administrator, for the

sum of eight thousand seven hundred and twenty-four dollars and fifty-eight cents, the same being the amount named in said deed, as the purchase consideration of the lands and town blocks therein described; said receipt to the said Administrator's voucher in settlement of said estate.

A true copy of resolution adopted at a regular session of the Board of School Commissioners of the City of Indianapolis, October 17, 1879.  
JNO. R. GIBSON, Clerk.

And it was concurrently adopted by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following resolution [adopted by the Common Council—see pages 653 and 654, *ante*] was read :

WHEREAS, Byron Rice, of the County of Polk, in the State of Iowa, has made an offer, through William Sullivan, Esq., for the purchase of the following tract of land in Dallas County, Iowa, viz. : the southwest quarter of the southwest quarter of section number twenty (20) in township number seventy-nine (79) in range number twenty-seven (27), containing forty (40) acres; the same being one of the parcels of land procured under the Thomas D. Gregg bequest, and conveyed by deed dated September 30th, 1879, by D. H. Gregg, Trustee, to George Merritt, Trustee, as authorized by the bodies hereinafter mentioned, and has offered therefor the sum of six hundred dollars cash, subject to all taxes for the year 1879, which is in excess of the sum at which said tract was taken, and considered to be the fair cash value thereof;

*Resolved by the Board of School Commissioners of the City of Indianapolis (the Common Council and Board of Aldermen of said City concurring), That George Merritt, Trustee as aforesaid, be, and he is hereby, authorized and instructed to accept the said offer of said Byron Rice, and to execute and deliver to him a deed of conveyance for said tract of land, subject to all taxes for the year 1879, upon payment and receipt of the said sum of money; and in the said deed of conveyance he shall refer to this resolution, and attach a certified copy thereof, and of the order of adoption and concurrence therein, to said deed; which copy shall be furnished by the City Clerk to said Trustee free of charge. And the said Trustee, upon receipt of said money, shall loan or re-invest the same, taking good and sufficient first-mortgage security on real estate, at legal rate of interest, to the end that the interest may be made available for the purpose of the said bequest,*

*Resolved further, That the Clerk of this Board do prepare and present to the said Common Council and Board of Aldermen of said city a certified copy of this resolve, and of the order of adoption, that the same may be concurred in by said bodies.*

A true copy of resolution adopted at a regular session of the Board of School Commissioners of the City of Indianapolis, November 7th, 1879.  
JNO. R. GIBSON, Clerk.

And it was concurrently adopted by the following vote :

AYES, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following resolution [adopted by the Common Council—see page 656, *ante*] was read :

That hereafter, when any brick pavement is to be laid for sidewalk on any street of this city, the contractor or contractors shall be required to make a good, sub-

stantial curb therefor, by placing bricks *on end*, and sinking them sufficiently to make them on a level with the surface of such pavement, and well banked with dirt, on the *inner* and *outer* edges of such walk, also at the ends where intersected by streets or alleys; and where unprotected, to protect the corners by strong wooden posts, placed firmly in the ground.

And it was concurrently adopted by the following vote :

AYES, 5—viz. Aldermen Grubbs, Layman, Mussmann, Newman, and Piel.

NAYS, 4—viz. Aldermen Chandler, Drew, Seibert and President Ridenour.

The following resolution [adopted by the Common Council—see page 657, *ante*] was read :

*Resolved*, That the Board of Public Improvements be, and are hereby, directed by the Common Council to pay the street laborers the sum of one twenty-five (\$1.25) per day.

And on motion by Alderman Layman, it was referred to the Board of Public Improvements, by the following vote :

AYES, 5—viz. Aldermen Chandler, Drew, Layman, Seibert, and President Ridenour.

NAYS, 4—viz. Aldermen Grubbs, Mussmann, Newman, and Piel.

The following motion [adopted by the Common Council—see page 660, *ante*] was read, and referred to the Street Commissioner :

That the City Marshal be, and is hereby, directed to notify the owner or agent of lots 3 and 4, in square 27, Drake's Addition to the City of Indianapolis, to immediately remove the fences and other obstructions from off the first alley south of Seventh street, running east and west between said lots 3 and 4, from Mississippi street to the Lafayette Railroad, so that said alley may be opened and used its full length; and in case said owner or agent refuses or fails to open said alley within 30 days from date of notice, then the City Marshal is hereby ordered to remove the obstructions, and collect the cost of such work from the said owner or agent.

The following motions [adopted by the Common Council] were read, and were concurrently adopted :

WHEREAS, The Superior Court in General Term has recently decided, in the case of *Boehl vs The City*, that the policemen and firemen on duty at the time of the reduction of their per diem from \$2.00 to \$1.75, are entitled to payment at former rate until such time as the new salary ordinance became operative by its concurrent passage by the Board of Aldermen; Therefore,

*Moved*, That the Police Board and Fire Board, severally, make out a schedule of such unpaid amounts, with the names of the persons to whom due, and file such schedule with the City Clerk, for reference to and consideration by the Committees on Accounts and Claims, with instructions to incorporate the same in the next appropriation ordinance by said committees introduced.

That the Street Commissioner be, and he is hereby, directed to notify the person or persons who removed the brick from the east sidewalk of East street, in front of the first alley north of Massachusetts avenue, to lay a bowldered driveway in place of such removed pavement, within ten days from this date. If the work is

not done in compliance with such notice given, the said Street Commissioner is hereby instructed to do the same, and collect the cost thereof from owners of abutting property.

That the City Civil Engineer and City Clerk be, and are hereby, instructed to give the property holders on Bellefontaine avenue, from Massachusetts avenue to the north corporation line, their proper numbers.

That Peter Rooker be granted permission to lay a brick sidewalk in front of his property on Maryland street, between West and California streets, under the direction of the Civil Engineer, at his own expense.

The following report from the Committees on Accounts and Claims and City Attorney was read; and this body concurred with the Common Council in approving same [see page 662, *ante*]:

*Indianapolis, November 17, 1879.*

The Mayor, Common Council, and Board of Aldermen of City of Indianapolis:

*Gentlemen*:—The Committees on Accounts and Claims and City Attorney, to whom was referred the allowances made to persons in the City Civil Engineer's office and for the Clerk of the Board of Public Improvements, respectfully report that they have had the same under consideration, and find that said claims are legal.

General Ordinance 44, 1879, amending the ordinance creating the Board of Public Improvements, contains the following clause, to-wit:

“The said Board of Public Improvements shall have general supervision and control of the City Civil Engineer and his Department, and shall appoint, on his recommendation—subject, however, to the order and direction of the Common Council and Board of Aldermen—such number of competent assistants as shall be necessary to enable said Engineer to properly discharge the duties of his office.”

This ordinance took effect August 20th, 1879, and was, therefore, in force at the time when the services of said employes in the Engineer's Department purport to have been rendered, and are therefore covered by the provisions of said ordinance. It appearing that the services have been rendered with the approval of the Board of Public Improvements and City Civil Engineer, we are of the opinion that said services were authorized by the ordinance above referred to, passed August 20th, 1879. We therefore recommend that said claims be paid.

Respectfully submitted,

F. J. VanVorhis,  
Geo. P. Wood,  
Martin McGinty,  
James T. Layman,  
Committees on Accounts and Claims.  
John A. Henry, City Attorney.

The following entitled ordinances [passed by the Common Council—see pages 662 and 664, *ante*], were read the first time:

- Ap. O. 74, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- G. O. 66, 1879—An Ordinance to amend an ordinance entitled “An Ordinance to provide the Committees of the Common Council and Board of Aldermen with a Clerk, and prescribing the Duties of such Clerk.

Alderman Layman moved to suspend the rules, for the purpose of placing Ap. O. 74 on its second and third reading and final passage.

On motion by Alderman Seibert, the foregoing motion was amended by adding G. O. 66.

The motion to suspend the rules was then adopted by the following vote :

**AYES**, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

**NAYS**—None.

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

Ap. O. 74, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$2,314.92.]

And it was passed by the following vote :

**AYES**, 9—viz. Aldermen Chandler, Drew, Grubbs, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

**NAYS**—None.

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

G. O. 66, 1879—An Ordinance to amend an ordinance entitled "An Ordinance to provide the Committees of the Common Council and Board of Aldermen with a Clerk, and prescribing the Duties of such Clerk."

And it was passed by the following vote :

**AYES**, 7—viz. Aldermen Chandler, Drew, Grubbs, Mussmann, Newman, Piel, and Seibert.

**NAYS**, 2—viz. Aldermen Layman and President Ridenour.

#### REPORTS FROM CITY OFFICERS.

The City Attorney submitted the following report; which was approved :

*Indianapolis*, November 19, 1879.

To the Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—I have, in obedience to your instructions, examined the claims of A. Gall and A. L. Wright & Co., for matting purchased and laid in the offices of the City Treasurer and City Clerk, to determine whether the purchase of said matting was legally authorized, and beg leave to submit the following report thereon :

The ordinances governing matters of this character require that the purchases of supplies for the city offices should be authorized by the Joint Committees on Supplies, and without such authority, properly speaking, a purchase could not be said to be legally made.

I have not been able to find any formal order from the proper committees authorizing the purchase of the matting above referred to, but I am informed that.



the purchase of the matting for the Clerk's office was verbally authorized by a majority of the Joint Committees on Supplies, and it may therefore be said, as I think, that the same was legally ordered, although not in strict accordance with ordinance. In reference to the matting furnished by A. Gall, for the Treasurer's office, I am informed that the same was furnished on the verbal authority of the members of the Council Committee on Supplies only, and I am therefore of the opinion that in a strict legal sense this purchase was not legally authorized at the time it was made.

I might add, however, that whatever irregularities exist with reference to either of the claims referred to, the Council and Board of Aldermen, if they deem the claims just, have the power to ratify the purchases and order the bills paid.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The City Civil Engineer submitted the following report; which was received:

To the Board of Aldermen of the City of Indianapolis:

*Gentlemen:*—I would report as follows in regard to G. O. No. 30, 1879, referred to me October 22d, 1879, by your honorable body:

The switch referred to in said ordinance conforms to the grade at a point 237 feet south of Morris street, but at points 300 feet, 337 feet, and 387 feet from Morris street the switch is 3 inches, 4 inches, and  $4\frac{1}{2}$  inches, respectively, above grade, while at a point 437 feet from Morris street the switch is  $1\frac{1}{2}$  inches below grade.

The difference is so small it might be well to require a few loads of gravel placed at the various points, which would suffice to put the street in good condition. I herewith submit a plat of the switch, with explanatory figures thereon.

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

On motion by Alderman Layman, the City Marshal was instructed to notify R. Frank Kennedy, J. Shellenberger, and J. W. Titus to place sufficient gravel along their track to raise the street up to the grade of their track.

#### REPORTS FROM COMMITTEES.

The Committee on Judiciary, through Alderman Grubbs, submitted the following report; which was concurred in:

Indianapolis, November 19, 1879.

To the Board of Aldermen of the City of Indianapolis:

*Gentlemen:*—Your Committee on Judiciary and City Attorney, to whom was referred the petition of Fred. Knefler et al., in reference to further proceedings in the matter of the improvement of Highland street under the ordinance heretofore passed, beg leave to report that they have had the same under consideration, and find that certain irregularities exist in the proceedings for the improvement of said street, which might invalidate the same; and we therefore recommend that the action of the Council be concurred in, and that the City Civil Engineer be directed to prepare a new ordinance for said improvement.

D. W. Grubbs,  
James T. Layman,  
John Newman,  
Judiciary Committee.

John A. Henry, City Attorney.

## MISCELLANEOUS.

On motion by Alderman Chandler, the Committees on Accounts and Claims were instructed, in auditing the account of the "Water-Works Co. of Indianapolis" for the current quarter, to report an allowance for not exceeding 472 fire hydrants.

Alderman Mussmann offered the following motion; which was adopted:

That the Board of Public Improvements be, and is hereby, required to report at the next regular meeting why the Street Commissioner has not repaired Chestnut street, between Madison avenue and Ray street, in compliance with favorable action taken on this subject last spring.

Alderman Seibert introduced the following entitled ordinance; which was read the first time, and referred to the Aldermanic and Council Committees on Railroads:

G. O. 67, 1879—An Ordinance requiring the Indianapolis, Cincinnati & Lafayette Railroad Company to employ and station a Flagman at the point where the tracks of said company cross East street.

## PENDING ORDINANCES.

General Ordinance 40, 1879, was taken up on its second reading, and on motion by Alderman Chandler, was ordered printed in pamphlet form.

On motion, the Board of Aldermen then adjourned.

J. M. RIDENOUR, President.

Attest: GEO. T. BREUNIG, Clerk.