

# PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 19, 1881.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, January 19th, A. D. 1881, at seven o'clock, in regular session.

PRESENT—His Honor, the President, Henry Coburn, in the Chair, and Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann and Seibert—7.

ABSENT—Aldermen Newman, Tucker and Wood—3.

The Proceedings of the Board of Aldermen, for the regular session held on January 5th, 1881, having been printed, and placed on the desks of the Aldermen, said Journals were approved as published.

## MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was read and received:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—I herewith transmit to your honorable body certain papers, favorably passed upon by the Common Council, at its regular session, held on Monday evening, January 17th, 1881, 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 received:

*Indianapolis, Ind., January 17th, 1881.*

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

*Gentlemen:*—The amount of Mayor's fees collected by me during the month of December, 1880, was \$207.71; policemen's witness fees, \$142.19; fines to the City Treasury, \$15.75; and for the Home for Friendless Women for October, November and December, 1880, \$171.85, which amounts I have paid to the City Treasurer, and filed his receipt therefor with the City Clerk; making a total of \$537.50.

Respectfully submitted,

J. CAVEN, Mayor.

The following communication presented by His Honor, the Mayor, was read, and the favorable action of the Common Council thereon (see page 817, *ante*) was concurred in:

Indianapolis, Ind., January 15th, 1881.

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

*Gentlemen*:—At a meeting of the survivors of the Volunteer Fire Department of Indianapolis, the undersigned were directed to request you to allow them the use of the Council Chamber for an adjourned meeting to be held on Thursday, January 20th, 1881, in the evening.

Trusting that you may be pleased to grant this request, we subscribe ourselves

Very respectfully,

Fred Knefler,  
Geo. W. Sloan.

The following report from the City Clerk was read:

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

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

John L. Spaulding vs. Emeline Robinson, for.....	5 70
John L. Spaulding vs. Emeline Robinson, for.....	5 70
John L. Spaulding vs. Penelope Mann, for .....	5 10
Fred Gansberg vs. Margaret M. Howe, for.....	11 40
James Mahony vs. Arthur G. Fosdyke, for.....	77 00
Fred Gansberg vs. Frank McWhinny, for.....	25 15
Fred Gansberg vs. Margaret Anderson, for.....	16 18
Fred Gansberg vs. Margaret Anderson, for.....	17 74
Fred Gansberg vs. Mary Coulter, for .....	20 28

And recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

And the favorable action of the Common Council thereon (see page 818, *ante*) was concurred in; and the precepts ordered to issue by the following vote:

AYES, 6—viz. Aldermen Drew, Grubbs, Hamilton, Mussmann, Seibert and President Coburn.

NAYS—None.

The following clauses from the report of the City Attorney was read, and the favorable action of the Common Council thereon (see page 819, *ante*) was concurred in:

Indianapolis, January 17th, 1881.

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

*Gentlemen*:—I beg leave to report that the Supreme Court of the State has affirmed the judgment of Margaret Dougherty et al. vs. The City.

This was an action for personal injuries sustained by the plaintiff, Margaret Dougherty, by being thrown out of a buggy by reason of certain obstructions in Indiana avenue.

The case was tried in September, 1876, and resulted in a verdict in favor of the plaintiff for \$3,000. Judgment was entered on the verdict October 11th, 1876. An appeal was taken to the general term, in which court the judgment was affirmed February 5th, 1877. The case was afterwards appealed to the Supreme Court, where the same was pending at the commencement of my term of office.

The judgment rendered in this cause having been affirmed by the court of last resort, the city will be compelled to pay the same, with 6 per cent. interest from October 11th, 1876, the date of the rendition thereof.

The case of George Cimmermon vs. The City was tried by a jury at the present term of the Superior Court, and resulted in a verdict in favor of the city. This was an action for personal injuries alleged to have been sustained by being thrown out of a wagon by reason of a defective gutter at the corner of Michigan street and Massachusetts avenue.

The gutter in question might cause other accidents, and I recommend that the Street Commissioner be directed to repair the same.

Respectfully submitted,

JOHN A. HENRY, City Attorney.

The following report from the Committee on Contracts was read; and the favorable action of the Common Council thereon (see page 819, *ante*) was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Contracts, to whom was referred the action of the Board of Aldermen, fixing March 1st, 1881, as the date for the taking effect of the contract for removal of garbage, etc., from within the limits of the City of Indianapolis, would recommend that the action of the Board of Aldermen be concurred in, and the contract and bond of Aegidius Naltner be approved. We herewith submit an agreement signed by the bondsman, waiving any defect that may arise from the continuance of the time for taking effect of the said garbage contract, and the validity of the bond.

Respectfully,  
Isaac Thalman,  
James A. Pritchard,  
E. H. Koller,  
Committee.

The following agreement presented with the above report, was read, and the action of the Common Council thereon (see page 820, *ante*) was concurred in:

Indianapolis, January 13th, 1881.

We, the undersigned bondsmen of A. Naltner in this garbage contract with the City of Indianapolis, consent to the proposition of the Common Council and Board of Aldermen of said city, that said Naltner's work and pay under said contract shall begin on March 1st, 1881.

Witness our hands and seals this 13th day of January, 1881.

Aegidius Naltner,  
Austin H. Brown,  
John G. Kitsner,  
Jackson Landers.

The mortality report from the Board of Health (see page 820, *ante*) was read and received.

The following clause in the report from the Board of Public Improvements was read, and the favorable action of the Common Council thereon (see page 820, *ante*) was concurred in:

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

*Gentlemen:*—The Board of Public Improvements, to whom sundry papers were referred, would report:

2d. Is that the double stone crossing be laid from the northeast corner of Pennsylvania street across to the point corner of Virginia avenue and Pennsylvania street, opposite Bank of Commerce. Recommend the work be done under direction of the City Civil Engineer.

Respectfully submitted,

Wm. H. Morrison,  
H. Seibert,  
Board of Public Improvements.

The following report from the Finance Committee was read, and the favorable action of the Common Council thereon (see page 821, *ante*) was concurred in:

Indianapolis, January 17th, 1881.

To the Mayor, Common Council and Board of Aldermen:

*Gentlemen*.—Your Committee on Finance, to whom was referred the reports of the City Clerk and Treasurer for the month of December, would report that they have examined the same and find that they are correct, corresponding in every particular with the books of these respective offices.

Respectfully submitted,

Leon Kahn,  
Jas. T. Dowling,  
M. H. McKay,  
John R. Pearson,  
E. H. Koller,  
Finance Committee.

The following report from the Committees on Streets and Alleys and Public Light was read, and the favorable action of the Common Council thereon (see page 824, *ante*) was concurred in:

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

*Gentlemen*.—Your Joint Committee on Public Light and Streets and Alleys, to whom the matter relative to placing street guides on street corners was submitted, would recommend that the City Civil Engineer be directed to advertise for sealed proposals, to be presented to the Common Council at their next regular meeting, for lettering the street corners with names of streets (plans and specifications to be submitted with each bid), to include plans for placing names on the four sides of lamps or otherwise.

Respectfully submitted,

F. W. Hamilton,  
Aldermanic Committee.

H. J. Prier,  
Jas. T. Dowling,  
Peter F. Bryce,  
John A. Lang,  
Wm. H. Morrison,  
Council Committee.

The following majority report from the Committee of Conference was read:

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

*Gentlemen*.—Your Joint Committee of Conference, to whom was referred the matter of the assessment for street improvements against that portion of Greenlawn Cemetery abutting on West street, would report:

That waiving all questions as to the legal liability of the city, we are of the opinion, in view of the fact that the city has for years had full control of said cemetery, and improved the walks and drives through the grounds, and has also paid for the improvement of other streets abutting on said cemetery, and in view of the further fact that the general public will be benefitted by said improvement, that the city would be justified in paying said assment out of the general fund, and therefore so recommend.

Respectfully submitted,

Hiram Seibert,  
F. W. Hamilton,  
James A. Pritchard,  
William C. Lamb,  
Conference Committee.

On motion, the above report was concurred in, and the action of the Common Council in ordering the City Civil Engineer to make a corrected estimate was *not* concurred in.

The following minority report from the Committee of Conference was read and *not* concurred in:

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

*Gentlemen:*—I respectfully beg leave to present the following, non concurring with my colleagues of the Joint Committee of Conference, in the matter of the assessment for street improvement against that portion of Greenlawn Cemetery abutting on West street. I can not find the slightest legal claim against the city, more especially as the council has repeatedly placed itself on record against the payment of claims for street improvement which in my opinion is entitled to favorable consideration from this Council much more than this west street improvement.

Respectfully,

JAMES T. DOWLING.

The following motion was read and, the favorable action of the Common Council thereon (see page 826, *ante*) was not concurred in:

That the City Attorney and Judiciary Committee be directed to draft a bill and have the same presented to the Legislature and urge its passage, authorizing the city to borrow an amount not to exceed \$125,000 on the bonds of the city, and to authorize the city to levy a small tax to pay the same, and interest, as they mature. Said bonds are to be made payable in ten annual payments of equal amounts of such denominations as the city may hereafter decide, and bearing five per cent. per annum; such bonds to be issued upon the approval of the voters of the city at the election to be held in May next for city officers.

The following resolution was read:

*Resolved,* That the report of the City Commissioners in the matter of the opening and extension of Wilson street, from its present southern terminus to the Pendleton Gravel Road, and from the said road to the Brookside avenue (which report was heretofore filed with the Common Council on the 3d day of January, 1881), be and the same is hereby in all things approved and accepted; that the benefits assessed and damages awarded by said Commissioners be accepted and approved; that the real estate therein described for the opening and extension of said street be and the same is hereby appropriated; that the City Clerk be directed to certify to the City Treasurer so much of said report as assesses benefits and damages upon real estate, and which real estate is described in said report; and that the City Treasurer be directed to make tender of such damages to the parties entitled thereto, and proceed to the collection of said benefits according to law.

And the action of the Common Council in adopting the above resolution (see page 828, *ante*) was concurred in by the following vote:

AYES, 7—viz. Aldermen Drew, Grubbs, Hamilton, Layman, Mussmann, Seibert and President Coburn.

NAYS—None.

The following motion (adopted by the Common Council—see page 828, *ante*) was read and concurrently adopted:

That Michael Faust & Co. be and are hereby granted ninety days further time to complete their contract for improving Ohio street, from East street to Harvey street.

#### REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was laid on the table:

To the President and Board of Aldermen:

*Gentlemen*:—At a meeting of your honorable body, held January 5, 1881, a motion was adopted directing me to report an estimate cost of the city's portion in the improvement of Market, Ohio and Highland streets, according to the plan submitted by S. H. Shear, Assistant City Civil Engineer, would report:

For grading and graveling the roadways, bowldering the gutters, curbing with stone and paving with brick the sidewalks of Market and Ohio streets, from Harvey street to Arsenal avenue, including cross streets and alleys:

Market street.....	\$707 38
Ohio street.....	896 03
Total.....	<u>\$1,597 41</u>

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

#### REPORTS, ETC., FROM OFFICIAL BOARDS.

The Board of Public Improvements, through Alderman Seibert, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

*Gentlemen*:—The Board of Public Improvements, to whom was referred S. O. 89, 1880, "An ordinance to provide for grading and graveling the first alley west of Virginia avenue from Buchanan street to Dougherty street," passed by the Common Council, August 23d, 1880, recommend that the action of the Common Council be concurred in.

Respectfully submitted,

Wm. H. Morrison,  
Hiram Seibert,  
Board of Public Improvements.

#### MISCELLANEOUS.

Alderman Seibert offered the following motion; which was adopted:

That the City Attorney and Judiciary Committee be directed to draft a bill and have the same presented to the legislature and urge its passage, authorizing the city to levy a special tax, the amount not to exceed \$125,000, for the purpose of building a City Hall and Market House, to be used in connection with the Tomlinson Estate, after the same shall be approved by a majority of the voters of the

city at the election to be held in May next for City Officers, provided that the same is approved by a majority of the electors voting at the May election, 1881; and provided further, that the special levy for this purpose not to exceed five cents on one hundred dollars for any one year for the term of four years.

On motion, the Board of Aldermen then adjourned.

*N. Coburn*

....., President.

Attest:

*Yes. J. Brumig*

....., Clerk.