

PRESENTED TO
INDIANAPOLIS BAR ASSOCIATION LIBRARY

JANUARY, 1921, BY

W. M. MATCOCK WOODLEN

PROCEEDINGS OF BOARD OF ALDERMEN.

ADJOURNED SESSION—DECEMBER 30, 1881.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Friday evening, December 30th, A. D. 1881, at seven o'clock, in adjourned session.

PRESENT—Hon. James T. Layman, President, in the Chair, and Aldermen Drew, Hamilton, Mussmann, Newman, Rovison, Seibert, Tucker, and Wood—9.

ABSENT—Alderman DeRuiter—1.

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 adjourned session, held on Tuesday evening, December 27th, 1881, for your action upon the same.

For the Common Council:

JOS. T. MAGNER, City Clerk.

The following clause from the report of the Judiciary Committee (see page 990, *ante*) was read:

The second is the proposition of B. Frank Riley, proposing to hunt up unpaid taxes due the city, for ten per cent of the amount he may find and cause to be paid into the city treasury.

Your committee recommend that the proposition be accepted.

On motion by Alderman Tucker, the above clause was laid on the table.

The following motions (adopted by the Common Council—see pages 987, 990 and 991, *ante*) were read, and concurrently adopted:

That the Street Commissioner be directed to at once repair and make secure, the bridge over Crooked Run. Where the recent rains have damaged it, it is now insecure and dangerous.

To allow John A. Lyons to put down a bowlder crossing for his sidewalk at his premises, No. 88 south Delaware street, according to existing ordinances.

That the Finance Committee be directed to confer with the officers of the Belt Railroad and Stock Yards Co., and ascertain, if possible, on what terms the city's bonds (loaned them), can be redeemed.

That V. T. Malott be granted permission to curb with stone and pave with brick the south sidewalk in front of his property on North street, between Pennsylvania and Meridian streets; said work to be done at his own expense, and under the direction of the City Civil Engineer, who is hereby ordered to set the grade stakes.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Contracts and Bridges, through Alderman Rorison, submitted the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Contracts, to whom was referred the report of the City Clerk of affidavits on file for the collection of street assessments by precepts, adopted, and precepts ordered to issue by the Common Council, December 5th, 1881, (see page 894), recommend that the action of the Common Council in ordering said precepts to issue, be concurred in.

Respectfully submitted,

Geo. P. Wood,
Brainard Rorison,
John Newman,
Committee on Contracts.

On motion, the above report was concurred in, and the precepts ordered to issue by the following vote:

AYES, 8—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The Committee on Finance and Accounts & Claims, through Alderman Hamilton, submitted the following report; which was concurred in:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your committee to whom was referred sundry matters, beg leave to report thereon as follows:

1st. Is a communication from J. T. Lecklider, attorney for sundry persons, asking for an allowance of interest on various petitions for the refunding of taxes; also, on certain other petitions asking that taxes be refunded (see pages 855 and 928, *ante*.)

Your committee recommend that the action of the Common Council thereon be concurred in.

Respectfully submitted,

F. W. Hamilton,
Hiram Seibert,
D. Mussmann,
Finance Committee.

The Committees on Judiciary and Finance, through Alderman Rorison, submitted the following minority report:

To the President and Board of Aldermen :

Gentlemen:—Your Committee on Judiciary, Finance and Water, to whom was referred the proposed contract with the Water Works Company, recommend the same as passed by the Council, be concurred in.

Respectfully submitted,

Brainard Rorison,
John Newman,
Committee.

Alderman Hamilton, in behalf of the same committee, submitted the following majority report :

To the President and Members of the Board of Aldermen :

Gentlemen:—The undersigned, Committees on Judiciary, Finance and Water, to whom was referred a report made at the last meeting by such committees on the subject of a proposed contract with the Water Works Company, and do now report back herewith, and without any change or alteration.

Respectfully,

F. W. Hamilton,
Hiram Seibert,
D. Mussmann,
Finance.

D. Mussmann,
Hiram Seibert,
Water.

Alderman Hamilton moved that the majority report be concurred in.

Which motion to concur, was adopted by the following vote :

AYES, 5—viz. Aldermen Hamilton, Mussmann, Seibert, Wood, and President Layman.

NAYS, 4—viz. Alderman Drew, Newman, Rorison, and Tucker

Alderman Rorison, in behalf of the Judiciary Committee, submitted the following reports, which were severally concurred in :

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Judiciary, to whom was referred the accompanying petition and resolution, in reference to the disannexation of certain territory therein described, respectfully recommend that the same do not pass in its present form, and that the same be referred back to the Council for amendment.

The act of April 13th, 1881, under which these proceedings were instituted, provides, substantially, the same mode of procedure as in the case of the *annexation* of unplatted territory under Section 85 of the Charter Under the act last referred to, the Supreme Court of Indiana, in the case of Stilz, et al. vs. The City of Indianapolis, 55 Indiana, page 520, at least inferentially decide that the petition accompanying the resolution, should be signed by the members of the Council in person.

In the matter before us, we think the petition should be signed by more than one-half of all the members of the Common Council, and more than one-half of all the members of the Board of Aldermen. We also think that the resolution should describe the real estate sought to be disannexed, as well as the other matters required by the act of 1881, independent of the petition.

We therefore recommend that the resolution and petition be returned to the Council for amendment, and that the City Attorney be instructed to prepare a resolution and petition in accordance with the suggestions here made, and present the same to the Council for its further consideration.

Respectfully submitted,

Brainard Rorison,
W. H. Tucker,
John Newman,
Committee on Judiciary.

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Judiciary, to whom was referred the action of the Council in granting John Gustin a license to sell goods at auction, and that he be allowed to pay for said license quarterly in advance, respectfully recommend that said action of the Council be concurred in.

Respectfully submitted, Brainard Rorison,
W. H. Tucker,
John Newman,
Committee.

That hereafter, when special bids are to be advertised for the purpose of making loans, or any other special advertising, where the same is to be published in more than one paper, that the German Telegraph be recognized as one of the leading papers, and that such special advertising be also given to that paper.

To the President and Board of Aldermen :

Gentlemen:—We concur in the above, recommending, however, that special advertising be published only in the official paper of the city, unless with the approval of the Committee on Printing of the Board of Aldermen.

Respectfully submitted, Brainard Rorison,
John Newman,
W. H. Tucker,
Committee on Judiciary.

Alderman Rorison, in behalf of the Judiciary Committee, submitted the following report:

To the President and Board of Aldermen :

Gentlemen:—Your Committee on Judiciary, to whom was referred the following report, recommend that the action of Council in ordering said precepts to issue, be concurred in.

Respectfully submitted, Brainard Rorison,
W. H. Tucker,
John Newman,
Committee on Judiciary.

To the Mayor and Common Council :

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

James Mahoney vs. Mary Earley, for.....	\$ 4 60
James Mahoney vs. Mary J. Anderson, for.	7 59
James Mahoney vs. C. B. Smock, for.....	7 59
James Mahoney vs. Catharine Mauer, for.....	7 59
James Mahoney vs. W. H. Draper, for	7 59
Fred. Gansberg vs. James Kinsey, for.....	26 12
James Mahoney us. William H. Blount, for.....	7 59

And recommend you order the precepts to issue.

Respectfully submitted, JOS. T. MAGNER, City Clerk.

On motion, the above report was concurred in, and the precepts ordered to issue by the following vote :

AYES, 9—viz Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood, and President Layman.

NAYS—None.

Alderman Tucker, in behalf of the Committee on Public Light and Education, submitted the following report, which was concurred in :

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Public Light, to whom was referred the Council's action changing lamp posts, have considered the same, and recommend that this Board do not concur in the Council's action.

Respectfully submitted,

W. H; Tucker,
F. W. Hamilton,
D. Mussmann,
Committee on Public Light.

Alderman Seibert, in behalf of the Committee on Streets & Alleys and Sewers & Drainage, submitted the following report, which was concurred in :

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the report of the Board of Public Improvements, submitted to the Common Council Dec. 5, 1881, (see page 899), recommend that the action of the Common Council, in adopting said report, be concurred in, except so much of said report as recommends the re-opening and continuing the Stone Yard.

In view of the fact that almost all persons convicted in the city Court are under the State laws, and placed in the care of the Sheriff of the county in the county jail, thereby relieving the city of the custody of such persons, and, in the opinion of your committee, the expenses of the Stone Yard are greater than the benefits.

We recommend that the action of the Common Council, in adopting the recommendation of the Board for the re-opening of the Stone Yard, be not concurred in.

Respectfully submitted,

Hiram Seibert,
H. E. Drew,
Committee on Streets and Alleys.

Alderman Hamilton, in behalf of a certain special committee, submitted the following report, which failed of adoption :

To the President and Members of the Board of Aldermen:

Gentlemen:—Your special committee, to whom was referred the following clause of our report made to your honorable body Dec. 21st, recommend the clause be approved, and the ordinance granting the Mutual Union Telegraph Co. the right to come in the city, be so amended, "and in case said telegraph company shall sell, lease, consolidate, or in any way dispose of its line or lines passing into or through, or upon any of the streets or alleys of the city of Indianapolis, to any company, corporation or individuals, then the rights and privileges vested by this ordinance, shall revert to such city and cease, and be of no effect, as if the same had not been granted."

Respectfully submitted,

F. W. HAMILTON,
Special Committee.

Alderman Tucker requested that a roll-call be had on the above report.

Which request was granted, and the roll was called, with the following result :

AYES, 3—viz. Aldermen Hamilton, Seibert, and Tucker.

NAYS, 6—viz. Aldermen Drew, Mussmann, Newman, Rorison, Wood, and President Layman.

Alderman Rorison moved to reconsider the action of the Board of Aldermen at the last regular meeting, in adopting the report of a certain special committee amending the Mutual Union Telegraph ordinance.

Which motion to reconsider failed of adoption by the following vote:

AYES, 4—viz. Aldermen Drew, Rorison, Wood, and President Layman.

NAYS, 5—viz. Aldermen Hamilton, Mussmann, Newman, Seibert, and Tucker.

The following entitled ordinance was read the second time as amended, ordered engrossed, and read the third time:

G. O. 66, 1881—An Ordinance granting the Mutual Union Telegraph Company of New York the privilege of using the streets and alleys of the city of Indianapolis in constructing lines of telegraph in said city.

And it was passed by the following vote:

AYES, 9—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert Tucker, Wood, and President Layman.

NAYS—None.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Rorison presented the following petition, which was referred to the Judiciary Committee, with power to act:

Indianapolis, Ind., December 30th, 1881.

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

Gentlemen:—Your petitioner has bought 30 feet south side of Lot 17, and 20 feet north side of Lot 18, in Haugh & Churchman's subdivision of Lot 3, St. Clair's addition to the city of Indianapolis, Marion county, Indiana. She further represents that there is what purports to be a street assessment for opening Second street, amounting to \$420.00. This street assessment is null and void, there having been a suit instituted by the city for its collection, and the courts having decided it so, and said suit dismissed at cost of said city. See cause No. 11,745, Order Book 34, page 63. Your petitioner petitioned you last June for some relief on the 50 feet adjoining this, which you granted without objection (see Council proceedings, page 523.) She asks that you direct the City Clerk to enter satisfaction as asked for her property so described above.

CATHERINE RUSCHHAUPT,
By W. H. Hobbs, Agent.

Alderman Rorison offered the following resolution:

Resolved, That the Indianapolis Street Car Co. be required to comply with all of the provisions of its charter, to the satisfaction of the City Street Commissioner

and that he be instructed to report for the further action of the Council at its first regular meeting in February, 1882, whether measures are being taken by the said company to comply with its charter.

And it was adopted by the following vote :

AYES, 9—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, Wood and President Layman.

NAYS—None.

Alderman Rorison offered the following motion ; which was adopted:

That the City Attorney be requested to examine the ordinances, and report at the next meeting of this Board, whether the city has the right to tax telegraph companies now operating in the city, and all other corporations to whom franchises have been granted, and whether the Western Union Telegraph Co. have legal right to use streets and alleys for telegraph poles, etc.

Alderman Tueker moved to reconsider the action of the Board of Aldermen in passing G. O. 48, 1881, an ordinance preventing cows from running at large, etc.

Which motion to reconsider was adopted by the following vote :

AYES, 5—viz. Aldermen Hamilton, Mussmann, Newman, Tucker, and Wood.

NAYS, 4—viz. Aldermen Drew, Rorison, Seibert, and President Layman.

On motion, the ordinance was then referred to a special committee, said committee consisting of Aldermen Tucker, Mussmann and Rorison.

On further motion, it was ordered that Alderman Drew and President Layman act as members of such committee.

Later in the session it was ordered that the committee examine as to the legality of reconsidering the ordinance at the present time, and referring to a committee.

Alderman Rorison presented the following communication ; which was referred to President Layman and Mayor Grubbs :

New York, Dec. 27th, 1881.

HON. JOHN C. NEW, *Indianapolis, Ind.*

Dear Sir:—Referring to our short conversation held at your office, No. 7 Nassau street, with reference to the location of the Fontaine Locomotive Works, I now beg to say that the matter is now being considered, and, as I understand, the city of Indianapolis is desirous of having the works located there, the parties in interest would be pleased to hear from them in relation thereto. The proposed works are to be established on a large scale, and would, no doubt, be a valuable acquisition to any city.

A communication from you, throwing some light on the subject, would be gratefully received.

I have the honor to remain, with great respect,

Your obedient servant,

L. C. TWOMBLY.

Alderman Drew offered the following motion; which was adopted:

That the poultry show next week be allowed to make a parade on the streets.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.