

# PROCEEDINGS OF BOARD OF ALDERMEN.

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REGULAR SESSION—JANUARY 8, 1883.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 8th, A. D. 1883, at seven o'clock, in regular session.

**PRESENT**—Hon. James T. Layman, President of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker—8.

**ABSENT**, 2—viz. Aldermen Drew and Wood.

The Proceedings of the Board of Aldermen for the regular sessions held December 11th, and 27th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

By consent, Alderman Tucker offered the following resolution:

**WHEREAS**, The Tomlinson bequest was given for a specific purpose, that of building on the west end of the East Market Space, a City Hall and offices, and not for a Market House, and, inasmuch as the Tomlinson fund, and the revenues set apart for City Hall and offices, are not sufficient for the erecting of a building as contemplated by present plans already adopted, including Market House, therefore,

*Resolved*, That the City Hall Commissioners be, and are hereby, requested to report to the Council and Board of Aldermen the cost of a City Hall and offices, built from plans adopted, with Market House left out, and also to make a recommendation that the plans be so changed if, in their opinion, there can be sufficient funds obtained for the immediate building of a City Hall and City Offices. And further, to report the advisability of such a building, also the amount of money now on hand, and if the anticipated funds will, with any certainty, be ready as fast as required, should the building be commenced this spring.

And it was adopted by the following vote:

**AYES**, 4—viz. Aldermen DeRuiter, Mussmann, Seibert, and Tucker.

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

The following message was read and received:

To the President and Members of the Board of Aldermen :

*Gentlemen:*—I herewith submit the following papers for your consideration, favorably passed upon by the Common Council, at its adjourned session, held January 5th, 1882.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see pages 779 and 780, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—I herewith report the following estimates of work done according to contract:

A first and final estimate in behalf of James W. Hudson, for grading and graveling Hill avenue and sidewalks, from Baltimore avenue to Brinkman street.

3,391.45 lineal feet, at 65 cents..... \$2,204 44

A first and final estimate in behalf of Michael Flaherty, for grading and graveling the alley beginning at School street, on the south side of lot number 13, in Out-lot 94, and running around Lots Nos. 13, 14 and 15, in said Out-lot, and terminating at School street.

799.20 lineal feet, at 20 cents..... \$159 94

A first and partial estimate in behalf of J. H. Forrest, for constructing a three-foot brick sewer in and along Delaware street, from North street to and connecting with the Massachusetts avenue sewer at New York street.

\$1,165  $\frac{2}{3}$  lineal feet property line, at \$1.50 per lineal foot front  
on each side.....\$1,748 61

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (adopted by the Common Council—see page 780, *ante*), was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of James W. Hudson, for grading and graveling Hill avenue and sidewalks, from Baltimore avenue to Brinkman street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Mussmann, Rorison, Seibert, Tucker and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 780, *ante*), was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying first and final estimate in behalf of Michael Flaherty, for grading and graveling the alley beginning at School street, on the south side of lot 13, in Out-lot 94, and running around lots 13, 14, 15 and 16, in said Out-lot, and

terminating at School street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen DeRuitter, Mussmann, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

The following estimate resolution (adopted by the Common Council—see page 780, *ante*), was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and partial estimate in behalf of J. H. Forrest, for constructing a brick sewer, three feet internal diameter, in and along Delaware street, from North street to and connecting with Massachusetts avenue sewer at New York street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; and that the property owners are hereby required to pay the sums set opposite their respective names.*

And it was concurrently adopted by the following vote:

AYES, 6—viz. Aldermen DeRuitter, Mussmann, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

Report from the City Civil Engineer, giving amount of public work done under direction of his department during the year 1882 (see pages 781, 782, 783 and 784, *ante*), was read and received.

The following report from the City Clerk was read (see page 786, *ante*), and referred to the Committee on Judiciary and Ordinances:

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 :

Fred Gansberg vs. Christopher Hilgenberg, for.....	\$ 34 00
Fred Gansberg vs. Shaw Carriage Company, for.....	34 00
Richard Carr and Geo. W. Buchanan vs. The Pittsburgh, Cincinnati and St. Louis Railroad Company, for.....	294 65
Henry Clay vs. S. A. M. Canfield (christian name unknown), for	23 76
Henry Clay vs. Fred H. Wiley .....	27 54
Henry Clay vs. Fred H. Wiley.....	27 54
Henry Clay vs. Fred H. Wiley.....	27 54
Henry Clay vs. Fred H. Wiley.....	27 54
Henry Clay vs. Fred H. Wiley.....	27 54
Henry Clay vs. Fred H. Wiley .....	27 54
Henry Clay vs. Fred H. Wiley .....	26 56

And recommend you order the precepts to issue.

Respectfully submitted,

Jos. T. MACNER, City Clerk.

The report of the City Attorney giving a summary of the cases tried during the year 1882 (see page 787, *ante*), was read and received.

The following report from the City Attorney was read, and the action of the Common Council thereon (see page 788, *ante*), was concurred in, and the Finance Committee added:

*Indianapolis, Ind., Jan. 5, 1882.*

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

*Gentlemen:*—Under the instructions of the Board of Aldermen, the City Treasurer certified to me the amounts due the city from the managers of the different theatres on account of unpaid license fees. Said statement showed the proprietors of the "Zoo" and the Grand Opera House and Park Theatre to be in arrears. I called upon the parties and demanded payment. Mr. Gilmore refused to pay, and I instituted suit. Before the time for trial he paid up in full, and the suit was dismissed. The amount back was \$69.40.

The proprietors of the other two theatres named, do not refuse to pay, but claim that, for various legal and equitable reasons, they are not liable for, and should not be asked to pay the full amount shown by the Treasurer's statement to be due. They offer the sum of \$281.69 in full and final settlement of all arrearages. Not having the authority myself to compromise this matter, and believing that suit ought not to be brought by me without a chance being given to settle the matter out of court, I ask that you appoint a committee from each of your bodies to investigate the matters involved, and report.

Respectfully submitted,

C. S. DENNY, City Attorney.

The report of William Hadley, rental agent, (see page 788, *ante*), was read and received.

The report of the Superintendent of the City Hospital and Branch (see page 789, *ante*), was read and received.

The report of the Superintendent of City Dispensary (see page 788, *ante*), was read and received.

The report of the Board of Public Improvements and Street Commissioners, (see page 790, *ante*), was read and received.

The mortality report of the Board of Health (see page 791, *ante*), was read and received.

The following report from the Committee on Streets and Alleys was read, and the favorable action of the Common Council thereon (see page 792, *ante*), was concurred in:

To the Mayor and Common Council :

*Gentlemen:*—Your Committee on Streets and Alleys, to whom was referred the following motion, adopted October 2, 1882, "That the Committee on Streets and Alleys be directed to investigate, and report to this Council, what action had best be taken toward opening a street along the west bank of White River where the old roadway was washed away," recommend the purchase of a piece of ground

sufficient in width to make a 60-foot roadway, cost not to exceed \$500; and further recommend that the City Civil Engineer be directed to make survey of said piece of land, and report a plat of same to this body.

Respectfully submitted,  
George Weaver,  
Sim. Coy,  
Committee on Streets and Alleys.

The following motion (adopted by the Common Council—see page 796, *ante*), was read, and on motion by Alderman Tucker, was referred back to the Common Council, with the recommendation that the Chief of Police be instructed to notify the property owners:

That the Street Commissioner be instructed to notify the property-owners on Fletcher avenue to clean the dirt from the sidewalk, between Dillon and Olive streets, and if not done in ten days, to do the work, and collect from the property-owners.

The petition of J. L. Spaulding, asking an extension of time on first alley north of Ray street (see page 796, *ante*), was read and the favorable action of the Common Council thereon (see page 796, *ante*), was concurred in.

The petition of Fred Gansberg, asking an extension of time for grading and graveling Deloss street (see page 796, *ante*), was read and the favorable action of the Common Council thereon (see page 797, *ante*), was concurred in.

The following report from the Finance Committee (see page 798, *ante*), was read, and referred to the Committee on Finance and Accounts & Claims:

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

*Gentlemen:*—Your Finance Committee met pursuant to concurrent resolution, passed by your bodies December 4th and 11th, 1882, in the office of the City Clerk, on the 22d day of December, 1882, at noon. The following was the one and only bid received for "Time Warrants 1882":

"The Indiana Banking Co. will take the city loan of fifty thousand dollars three months from date (December 22d, 1882,) and pay therefor the sum of forty-nine thousand one hundred dollars, and will place the amount needed in New York without charge.

Respectfully,

"F. A. W. DAVIS, Cashier."

Your committee accepted said bid, believing the same reasonable; caused five warrants to be issued, of ten thousand dollars each, numbered one (1) to five (5), inclusive, signed by the Mayor and attested by the City Clerk, and delivered the same to the City Treasurer, to be by him delivered to "The Indiana Banking Co.," F. A. W. Davis, Cashier, upon payment of the amount of their bid.

Respectfully submitted,  
John R. Pearson,  
Isaac Thalman,  
E. H. Koller,  
B. Ward,  
Finance Committee.

The following petition was read, and the favorable action of the Common Council thereon (see page 798, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen:*—The undersigned, engaged in the business of selling dry goods, notions, etc., at Nos. 194 and 196 West Washington street, in the city of Indianapolis, hereby petitions your honorable bodies to grant him an auctioneer's license for the term of three months, to sell by auction his stock of goods, etc.

Respectfully submitted,

R. R. MILES.

The annual report of the Fire Board and Chief Fire Engineer was read, and, on motion by Alderman Tucker, was referred to the Committee on Fire Department, and on further motion, the Committee on Printing of the Council was instructed not to have the report printed.

The report of the Board of Health was received.

#### APPROPRIATION ORDINANCES.

This being the regular appropriation night, the following entitled Appropriation Ordinances (passed by the Common Council) were placed upon their final passage without a suspension of the rules.

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

Ap. O. 1, 1883—An ordinance appropriating money for the payment of sundry claims against the city of Indianapolis, on account of the Fire Department. [Amount appropriated, \$1,087.73.]

And it was passed by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert, and President Layman.

NAYS, 1—viz. Alderman Tucker.

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

Ap. O. 2, 1883—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, \$1,371.54.]

And it was passed by the following vote:

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

NAYS—None.

The following entitled ordinance was read the first and second times, and, on motion by Alderman Tucker, was referred to a special committee.

The Chair appointed Aldermen Tucker, Newman and Seibert to act as the members of such committee.

Ap. O. 3, 1883—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis on account of the Station House. [Amount appropriated, \$261.37.]

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

Ap. O. 4, 1883—An Ordinance appropriating money for the payment of sundry claims against the city of Indianapolis.

Alderman Seibert moved that the claim of "Lewis Gustin, 19.00," be stricken from the above ordinance; which failed of adoption.

The ordinance was then read the third time (amount appropriated, \$13,317.73), and passed by the following vote:

AYES, 6—viz. Aldermen DeRuiter, Hamilton, Mussmann, Rorison, Seibert and President Layman.

NAYS, 1—viz. Alderman Tucker.

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

Ap. O. 5, 1883—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery and Advertising. [Amount appropriated, \$1,022.64]

And it was passed by the following vote:

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

NAYS—None.

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

Ap. O. 6, 1883—An Ordinance appropriating the sum of five hundred dollars on account of the Street Repair Department of the city of Indianapolis, for repairing streets, etc.

And it was passed by the following vote:

AYES, 7—viz. Aldermen DeRuiter, Hamilton, Mussmann, Newman, Rorison, Seibert and President Layman.

NAYS, 1—viz. Alderman Tucker.

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

Ap. O. 7, 1883—An Ordinance appropriating the sum of five hundred dollars on account of the Street Department of the City of Indianapolis, for sewer repairs,

Alderman Hamilton moved to refer the above ordinance to the Committee on Streets & Alleys and Sewers & Drainage; which failed of adoption.

The ordinance was then read the third time, and passed by the following vote:

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

**NAYS**—None.

Alderman Hamilton asked the privilege to record his vote in the affirmative on the resolution as to the erection of a City Hall, presented by Alderman Tucker at the beginning of this session.

Which request was granted, and his vote so recorded.

Alderman Hamilton moved a reconsideration of the action by which the resolution was adopted.

Alderman Tucker moved to lay the above motion on the table.

Which failed of adoption by the following vote:

**AYES**, 4—viz. Aldermen Mussmann, Newman, Seibert and Tucker.

**NAYS**, 4—viz. Aldermen DeRuiter, Hamilton, Rorison, and President Layman.

The motion to reconsider then failed of adoption by the following vote:

**AYES**, 4—viz. Aldermen DeRuiter, Hamilton, Rorison and President Layman.

**NAYS**, 4—viz. Aldermen Mussmann, Newman, Seibert and Tucker.

#### REPORTS FROM STANDING COMMITTEES.

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Committee on Judiciary, to whom was referred the accompanying petitions (see page 737, *ante*), report in favor of the petition of F. P. Rush & Co. We report against refunding money, as petitioned under No. 2 by S. A. Fletcher & Co., and No. 3 by Wm. C. Anderson. These parties, in the character of purchasers of tax titles, voluntarily bought certificates for the amounts these lots were delinquent. It is the opinion of your committee, that the city is not, in any sense, the guardian of their investments, and, in granting certificates, does not give any warranty whatever.

Respectfully submitted,

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

The Judiciary Committee, through Alderman Rorison, submitted the following report; which was concurred in, and amendment adopted:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Judiciary Committee, to whom was referred the petition of Mary Burgman and others, asking that fifteen feet on each side of Sanders street be vacated, recommend that ten feet on each side of said street be vacated, provided the abutting property owners each be required to pay into the City Treasury the fair value of the land thus acquired by them, respectively, but not otherwise.

We have, therefore, prepared an amendment to the resolution passed by the Council, referring said petition to the City Commissioners, which we present herewith, and recommend that the resolution be adopted as amended.

Respectfully submitted,

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

Amend the Council resolution referring the Sanders street vacation matter to the City Commissioners, by adding thereto the following:

*Resolved, further,* That said Commissioners be, and they are hereby, directed to carefully estimate and submit as a part of their report, the cash value of the ten feet of ground acquired by each property owner on said street, respectively, by reason of said vacation, if finally made and approved.

The resolution, as amended, was then adopted by the following vote:

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

NAYS—None.

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

To the President and Board of Aldermen:

*Gentlemen:*—Your Committee on Streets and Alleys, to whom was referred Ordinance No. 155, 1882, for the improvement of Indiana avenue, from West street to Fall Creek, recommend that the ordinance be passed.

Respectfully submitted,

H. Seibert,  
D. DeRuiter,  
Committee on Streets and Alleys.

The Committee on Streets & Alleys and Sewers & Drainage, through Alderman Seibert, submitted the following report; which was referred to the Judiciary Committee, with instructions to insert in bonds and contracts ten per centum of the amount of any contract, as liquidated damages:

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your committee, to whom was referred the following motion, submit the following recommendation:

“That hereafter, all bonds given for the performance of any contract for street, sewer or like improvement shall be for one-third more than the estimated cost of the improvement; and in no case shall the contractor be required to give a bond to exceed that amount.”

Recommend the same be concurred in.

Hiram Seibert,  
D. DeRuiter,  
Committee on Streets and Alleys.

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

To the President and Members of the Board of Aldermen:

*Gentlemen:*—Your Judiciary Committee report, as instructed, to add the following: “And every contract and bond shall contain a provision for liquidated damages in the sum of ten (10) per cent. of the amount of said contract for failure to comply with its provisions.

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

## INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Mussmann offered the following motion; which was adopted:

That the City Treasurer report to the Board of Aldermen, at their next meeting, if he can furnish the money of the Tomlinson Estate at any time when the Council and Board of Aldermen demand it.

Alderman Rorison offered the following motion; which was adopted:

That the City Civil Engineer be instructed to examine and report at the next meeting of this Board whether, in his opinion, future overflows of Pogue's Run can not be prevented by making a connecting sewer from said Run under Ohio street to the sewer on north Illinois street, and another under New York street to the sewer on north Delaware street, and on Washington street to the Washington street sewer.

Alderman Tucker offered the following motion; which was adopted:

That the committee heretofore appointed to receive bids for the Sellers farm be and are hereby, requested to take the matter of said sale again into consideration and to report at our next meeting what bids, if any, they may receive.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.