

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 28, 1884.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 28th, A. D. 1884, at seven o'clock, in regular session.

PRESENT—HOB. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, and Tallentire—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the special session, held January 11th, 1884; the Joint Convention held January 11th, 1884, and the regular session held January 14th, 1884, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—I submit herewith the following papers for your consideration, favorably passed upon by the Common Council, at its adjourned session, held January 14th, 1884, and for the regular session, held January 21st, 1884.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following report from the City Clerk was read:

To the Mayor and Common Council:

Gentlemen:—As directed by the Board of Aldermen, I have prepared an ordinance amending Section one of an ordinance passed April 2, 1878, which amended Section five of the original charter of the Citizens' Street Railway Company. This amendment requires the company to make original street improvements between the rails of its tracks and two feet on the outside thereof, as well as keep the same in repair, which is a restoration of the original provision on that subject.

I hand the ordinance to the Mayor for introduction.

I have also prepared an ordinance requiring snow and ice to be removed from the sidewalks of the city, as ordered, and have handed the same to a member of the Council to introduce.

Respectfully submitted,

C. S. DENNY, City Attorney.

And the favorable action of the Common Council thereon (see page 37, *ante*), was concurred in, and the precepts ordered to issue, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following motion (see page 39, *ante*), was read, and concurrently adopted:

To permit the Anderson Hardware Company to build a Powder Magazine below the old cemetery, that they may enjoy the same right with others who have them already erected.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see page 60, *ante*), was concurred in:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen.—I herewith report a first and final estimate in behalf of J. H. Freaney for erecting ten lamp-posts, lamps and fixtures, complete to burn gas, except the service pipes, on Park avenue between Seventh and Ninth streets. 2,431.25 lineal feet, property line at 8.10 cents, 10 lamp-posts, at \$19.50 each..... \$195 00

Respectfully submitted,

S. H. SHEARER, City Civil Engineer

The following estimate resolution (see page 60, *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 J. H. Freaney, for erecting lamp-posts, lamps and fixtures, complete to burn gas, except the service pipes, on Park avenue between Seventh and Ninth streets, 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, 9—viz. Aldermen Bernhamer Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The report of the Committee on Contracts (see pages 53, 54, 55, 56, 57, 58 and 59, *ante*), was read, and on motion by Alderman Pritchard, was referred to the Committee on Contracts and Bridges.

The following clause from the report of the Committee on Judiciary, (see page 64, *ante*), was read, and referred to the Judiciary Committee:

4th. Is a petition of Huston Solomon, contractor, assigning his contract for grading, and paving with brick the sidewalks of Broadway, from Home avenue to Seventh street, to R. P. Dunning. Would recommend the approval of the assignment of the contract.

The report of the Judiciary Committee, accompanied with a bond of "The Indianapolis Under-ground Sectional Electric Conduit Company," was read, and the favorable action of the Common Council thereon (see pages 64 and 65, *ante*), was concurred in, and the bond approved.

The resignation of V. T. Malott, as Market House and City Hall Commissioner (see pages 67 and 68, *ante*), was read and accepted, and the following resolution (see page 68, *ante*), was read:

WHEREAS, V. T. Malott has resigned his position as one of the Commissioners of the Market House and City Hall, which resignation has been accepted; therefore, be it

Resolved, That D. W. Grubbs be, and is hereby, elected as one of said Commissioners, to fill the vacancy caused by said resignation of V. T. Malott.

And it was concurrently adopted by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following resolution (see page 69, *ante*), was read:

Resolved, That the Commissioners of the Metropolitan Police be requested to instruct the officers and patrolmen to enforce the law requiring hotels and houses of entertainment to be provided with fire escapes.

And it was adopted by the following vote:

AYES, 10—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following motion (see page 69, *ante*), was read and concurrently adopted:

That C. and H. and L. Latham, and C. and C. Zimmerman and H. H. Hutchins be, and are hereby, granted permission to curb and bowlder the gutters in front of their property on east Market street, at their own expense, under the direction of the City Civil Engineer.

The following entitled ordinances (passed by the Common Council) were severally read the first time:

S. O. 136, 1883—An ordinance to provide for grading and bowldering the roadway of Market street, from Pennsylvania street to Delaware street.

- G. O. 42, 1883—An ordinance making it unlawful for any one to remove or extinguish any signal light upon the public streets or grounds of the City of Indianapolis.
- G. O. 59, 1883—An ordinance granting R. H. Hurley a license to conduct a Theater at 79 south Illinois street.
- G. O. 66, 1883—An ordinance making a special tax levy for sewer and drain purposes, for the year 1884, upon all taxable property within the limits of the City of Indianapolis, upon the assessment of said property to be hereafter made.
- G. O. 3, 1884—An ordinance making it unlawful to interfere with Civic, Military or Funeral Processions.
- G. O. 7, 1884—An ordinance requiring every proprietor of a Skating Rink in the City of Indianapolis, to obtain a license, and pay a fee of \$100.00 therefor.

On motion, G. O. 59, 1883, was referred to the Committee on Public Light and Education, and G. O. 3, 1884, was referred to the Committee on Judiciary.

On motion by Alderman Prier, the rules were suspended for the purpose of placing G. O. 66, 1883, on its final passage, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Tallentire, and President Rorison.

NAYS, 1—viz. Alderman Pritchard.

G. O. 66, 1883, was then read the second time, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Cox, Endly, King, McHugh, Prier, Tallentire, and President Rorison.

NAYS, 1—viz. Alderman Pritchard.

On motion by Alderman Pritchard, the rules were suspended for the purpose of placing G. O. 7, 1884, on its final passage, by the following vote:

AYES, 7—viz. Aldermen Cobb, Cox, Endly, Prier, Pritchard, Tallentire, and President Rorison.

NAYS, 3—viz. Aldermen Bernhamer, King, and McHugh.

The following entitled ordinance was then read the second time:

G. O. 7, 1884—An ordinance requiring every proprietor of a Skating Rink in the City of Indianapolis to obtain a license, and pay a fee of \$100.00 therefor.

Alderman Pritchard offered the following amendment to the ordinance:

Amend by adding to the end of Section one, the words "or twenty-five dollars for one-quarter of a year."

Alderman Prier offered the following amendment, as a substitute for the above:

That it shall read fifty dollars for three months; and if at the expiration of three months, they wish to continue for the year, then upon the payment of fifty dollars, a license shall be issued for nine months.

Which failed of adoption, by the following vote:

AYES, 1—viz. Alderman Prier.

NAYS, 8—viz. Aldermen Bernhamer, Cobb, Cox, King, McHugh, Pritchard, Tallentire, and President Rorison.

The amendment as offered by Alderman Pritchard, was then adopted.

The ordinance was then ordered engrossed as amended, read the third time and passed, by the following vote:

AYES, 9—viz. Aldermen Bernhamer, Cobb, Cox, King, McHugh, Prier, Pritchard, Tallentire, and President Rorison.

NAYS—None.

COMMUNICATIONS, ETC., FROM CITY OFFICERS.

The City Civil Engineer presented the following communication, accompanied with statement from a physician:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen;—In the discharge of the duties of my office, the almost constant use of figures, in the many necessary calculations, and the use of fine lines in drawing, has strained my eyes so much so as to cause apprehension of the loss of the use of them, and also to cause me great pain. The eminent oculist, Dr. J. L. Thompson, of whom I have been taking treatment, tells me that my eyes have been unduly strained, and unless I get relief at once, my eyesight will become permanently affected, and perhaps lose the use of my eyes altogether. He says that there is but one remedy for my trouble, that is absolute rest from business for a period of two months, and directs that I go South. He also says that my eyes are naturally as strong as any he ever examined, and by giving them the rest now, I will regain their original strength. The relation my eyesight bears to my profession, renders it more important that I should do all in my power to preserve them; and while I regret the necessity of my having to ask it, I am compelled to follow the advice of Dr. Thompson, and ask for a leave of absence of two months, which, provided you grant now, would allow me to return before my laborious duties for next season begin. I should consider myself obligated to return sooner, provided the relief sought should be obtained before the expiration of the two months.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

To the Members of the City Council and Board of Aldermen:

Gentlemen;—I hereby certify that I have carefully examined the bearer, Mr. S. H. Shearer, and find that he has very much strained the accommodative apparatus of his eyes, by the constant use of them for close objects. He has no structural change; indeed he has a very perfect eye. The disease is simply functional. He needs at least two months rest from close work. It is my opinion that if this rest is not taken, serious consequences will follow. I would add to this rest, a change of climate. I have the honor to be,

Very respectfully, yours,

Indianapolis, Jan. 28, 1884.

J. L. THOMPSON, M. D.

Alderman Pritchard moved that leave of absence be granted.

Which failed of adoption.

Alderman Bernhamer, as to the above, offered the following motion; which was adopted:

That the leave of absence asked by the City Civil Engineer, be granted, provided he furnish a suitable substitute during such absence, at his own expense.

REPORTS, ETC., FROM STANDING COMMITTEES.

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

To the Board of Aldermen:

Gentlemen:—Your Judiciary Committee, to whom was referred motion from Council on petition of Gillett & Jenison, asking auctioneers' license for one year, report, and recommend the motion be adopted.

Respectfully submitted,

James A. Pritchard,
S. H. Cobb,
Will F. A. Bernhamer,
Judiciary Committee.

Alderman Pritchard, in behalf of the same committee, submitted the following report, accompanied with the following bond; which were received, the clauses severally concurred in, and bond approved:

Indianapolis, Jan. 28th, 1883.

To the Board of Aldermen:

Gentlemen:—Your Judiciary Committee, to whom was referred sundry papers, report thereon as follows, to-wit:

First, is the appropriation of one thousand dollars in favor of the Middlebrook & Post Manufacturing Co., for Elevator in City Hospital, referred to us to get bond to secure the city against loss in case there is an infringement of Hale & Co.'s Elevator. The bond is good, and we report the same for approval, and recommend the appropriation be passed.

Second, is item of ten dollars for abstract, in favor of Wm. Anderson. The abstract made contains two descriptions—one being Hospital grounds. We recommend the same be allowed and paid.

Third, is a motion granting auctioneers' license for one year to John Gustin. We recommend the same be allowed.

Respectfully submitted,

James A. Pritchard,
S. H. Cobb,
Will F. A. Bernhamer,
Judiciary Committee.

Although I join in all of the above report, as to the second item think that the expenditure a useless one, as I find that on September 2d, 1879, William Hadley, ex-City Assessor, was allowed \$675.00 for a certified copy of the platted ground in the city, which should show whether Davis street ever had an existence, or was vacated at any time, that being the avowed object for which said abstract was ordered.

WILL F. A. BERNHAMER.

KNOW ALL MEN BY THESE PRESENTS, That we, the Middlebrook & Post Manufacturing Company, of Detroit, Michigan, as principal, and Chas. Post, of Monroe Michigan, and F. M. Churchman, of Indianapolis, Ind., as sureties, are held and firmly bound unto the City of Indianapolis, in the penal sum of fourteen hundred and fifty dollars (\$1,450.00), for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, administrators and assigns, firmly by these presents. Sealed with our seals, and dated this day of January, 1884.

The conditions of the foregoing obligation are as follows, to-wit:

Whereas, The above bounden, the Middlebrook & Post Manufacturing Company, has recently sold to said City of Indianapolis, a certain Elevator, and put up the same in the public hospital building of said city, said Elevator being of the manufacture of said company, said city agreeing to pay therefor the sum of fourteen hundred and fifty dollars, no part of which has yet been paid; and

Whereas, W. E. Hale & Co., of Chicago, Illinois, has notified said city that certain parts of said Elevator put up in said hospital building by said Middlebrook & Post Manufacturing Company, infringe the rights of said W. E. Hale & Co. under certain patents owned by them on certain elevators manufactured by them, and that they will hold said city liable for using said Elevator so purchased from the Middlebrook & Post Manufacturing Company, provided the same does infringe their said patents;

Now, therefore, If said Middlebrook & Post Manufacturing Company shall pay to said W. E. Hale & Company, and to every other person any and all damages which they may establish on account of an infringement of patents owned by such persons, and indemnify and save the said city from the payment of any and all such damages, after she shall have paid said Middlebrook & Post Manufacturing Company for said Elevator, then this obligation shall be void; else to be and remain in full force and virtue in law.

THE MIDDLEBROOK & POST MANUFACTURING CO.

EDWARD C. POST,
H. MIDDLEBROOK,
CHARLES POST,
F. M. CHURCHMAN,

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman McHugh offered the following motion; which was adopted:

That the Committee on Public Health be instructed to ascertain if small pox patients are being buried in Greenlawn Cemetery; and if, upon such inquiry, they find that such is the case, to take immediate action to prevent such burials in said cemetery.

Alderman Bernhamer offered the following motions; which were severally adopted:

That the Committee on Judiciary be, and is hereby, instructed to ascertain by what right the Telegraph and Telephone companies use their poles for advertising purposes.

WHEREAS, The services furnished by the Union Telephone Company does not give satisfaction to its patrons; and *whereas*, great complaint is made by the public on account of the delay and annoyances arising from such inadequate service as given by said company; and *whereas*, said company possesses valuable rights and privileges granted her by the city, which in return demands proper service; therefore,

Moved, That the Committee on Judiciary be, and is hereby, instructed to inquire as to whether or not said complaints are well founded, what remedy can be devised, and what the rights and privileges of said company are under existing ordinances, acts and resolutions.

Alderman King offered the following motion; which was adopted:

That the City Clerk be directed to notify the Chairmen of the several Aldermanic Committees to turn over all papers and documents pertaining to municipal affairs, to the present Chairmen of committees of this body.

President Rorison offered a certain amendment to S. O. 90, 1883, "an ordinance for re-bowldering Washington street," etc., so as to enable the city to make an assessment against the Citizens' Street Railway Company for the improvement of a certain portion of said street; which was referred to the Committees on Judiciary and Ordinances, and Streets & Alleys and Sewers & Drainage.

President Rorison offered the following motion; which was adopted:

That the City Civil Engineer be, and he is hereby, directed to ascertain and report as to the best kind of Steam Road Roller now in use in other cities, what size would be most practicable for use in this city, and the lowest cost for which the same can be obtained.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: FRANK W. RIPLEY, Clerk.