

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 8, 1884.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, December 8th, A. D. 1884, at seven o'clock, in regular session.

PRESENT—Hon. Brainard Rorison, President of the Board of Aldermen, in the Chair, and Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, and Tallentire—8.

ABSENT, 2—viz. Aldermen Cobb and Prier.

The Proceedings of the Board of Aldermen for the regular session, held November 24th, 1884, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following special message was read and received:

To the President and Members of the Board of Aldermen:

Gentlemen:—The Common Council, in regular session, held in the Council Chamber Monday evening, December 1st, 1884, adhered to their former action requiring the Mayor to give an order to Mr. Hayes for possession of the Scales at the West Market, and in accepting the proposition of Mr. Hayes the use of the Scales for five dollars per month.

I submit the same for your consideration.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following message was read:

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 sessions held November 24th, 1884, and December 1st, 1884.

For the Common Council:

GEO. T. BREUNIG, City Clerk.

The following report from the Judiciary Committee was read, and the favorable action of the Common Council thereon (see page 995, *ante*), was concurred in:

Gentlemen:—Your Committee on Judiciary, to whom was referred the claim of E. B. Hutchinson, for \$12.20, and interest, being a double payment of taxes on Lots 413, &c., in Fletcher and others' subdivision of Out-lot 98, find the statements contained in the petition to be true. The city must therefore refund. We recommend that \$12.70 be refunded.

The following report from the Committee on Contracts was read, and the action of the Common Council thereon (see pages 1015 and 1016, *ante*), was concurred in:

SIG. 102.

[1087]

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Committee on Contracts, to whom was referred the proposals for building stone abutments and combination bridges over Pogue's Run on Eddy street, and the Canal on Sixth street, have examined the same, and find them to be as follows, viz:

EDDY STREET.

Name of bidders.	Dry excavation, per cubic yard.	Wet excavation, per cubic yard.	Timber, cubic feet.	Plank per M.	Masonry, cubic yd.
Whitsit & Adams.....	15 cents.....	\$1 15	22½ cents.....	\$21 00.....	\$6 45
Richter & Twiname....	15 cents	40 1st 4 ft... 13	cents	18 00	5 90
Richter & Twiname... ..	cents.....	3 00 2d 4 ft.			
Thos. H. S. Peck & Co	19 cents.....	48	22 cents	22 00.....	5 69
John Wilson.....	15 cents.....	49	17 cents.....	20 00.....	4 95
Thomas Cummings... ..	12 cents.....	45	15 cents	20 00.....	4 50

Thomas Cummings being the lowest and best bidder, recommend he be awarded the contract.

SIXTH STREET.

Name of bidders.	Dry excavation, per cubic yard.	Wet excavation, per cubic yard.	Timber, cubic foot.	Plank per M	Masonry, cubic yd.
Richter & Twiname... ..	15 cents.....	60 1st 4 ft... 13	cents.....	\$18 00.....	\$7 50
Richter & Twiname... ..	cents.....	\$3 00 2d 4 ft...			
John Wilson.....	18 cents	1 10	19 cents	22 00.....	6 80
Whitsit & Adams.....	15 cents.....	1 15	22½ cents.....	21 00.....	6 45
Thos. H. S. Peck & Co	19 cents.....	48	22 cents	22 00.....	5 69
Thomas Cummings... ..	12 cents	45	15 cents	20 00.....	4 80

Thomas Cummings being the lowest and best bidder, recommend he be awarded the contract.

One bid being submitted by T. H. Stacy, for superstructure of the two bridges, and as the plans and specifications are not ready for said work, recommend that the City Civil Engineer advertise for the same when the abutments are completed.

Respectfully submitted,

W. C. Newcomb,
P. J. Doyle,
M. M. Reynolds,
Committee on Contracts.

The following contracts and bonds (see page 1016, *ante*), were read and approved:

Contracts and bonds of Thomas Cummings, to build stone abutments for a combination bridge on Eddy street, over Pogue's Run, and to build stone abutments for a combination bridge on Sixth street, over the Canal. Bond, \$3,000 each; sureties, Hamilton Bailie and John Graham.

The report of His Honor, the Mayor, (see page 1016, *ante*), was read and received.

The following report from the City Civil Engineer was read, and the favorable action of the Common Council thereon (see pages 1016 and 1017, *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 Mahoney, for grading and graveling the first alley south of Dougherty street, from Wright street to Virginia avenue.

2,427.4 lineal feet, at 19 cents..... \$461 10

A first and final estimate in behalf of John Hennessey, for grading and graveling the first alley north of McCarty street, from East street to New Jersey street.

540 lineal feet, at 20 cents..... \$108 00

A first and final estimate in behalf of J. D. Hoss & Co., for grading and graveling the first alley west of Delaware street, from Seventh street to Eighth street.

1,150 lineal feet, at 14 cents..... \$161 00

A first and final estimate in behalf of Geo. W. Buchanan, for grading and graveling Walcott street and sidewalks, from Michigan street to Kolier street.

2,604 lineal feet, at 83 cents..... \$2,161 30

A first and final estimate in behalf of Geo. W. Seibert, Sr., for grading, bowldering and curbing the east gutter of Delaware street, from Wyoming street to Ray street.

560.20 lineal feet bowldered gutters, at 57 cents..... \$319 32

325.20 lineal feet curb, at 40 cents..... 130 08

31.90 square yards bowldered wings, at 57 cents..... 18 20

46.40 square yards bowldered wings re-laid, at 25 cents..... 11 60

\$479 20

A first and final estimate in behalf of Geo. W. Seibert, Jr., for grading, bowldering and curbing the gutters of Bellefontaine avenue, from Christian avenue to Home avenue.

1,797.56 lineal feet of bowldering, at 45 cents..... \$ 808 90

1,827.40 lineal feet of curb, at 39 cents..... 712 68

29 50 lineal feet of curb re-set, at 7 cents..... 2 06

77.34 square yards bowldered wings, at 57 cents..... 44 08

7.86 square yards bowldered wings re-laid, at 25 cents..... 1 97

6.60 square yards brick pavement re-laid, at 25 cents..... 1 66

30.50 square yards new brick pavement, at 51 cents.... 15 55

\$1,586 90

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following estimate resolution (see page 1017), *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 Mahoney, for grading and graveling the first alley south of Dougherty street, from Wright street to Virginia avenue, 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1018, *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 John Hennessey, for grading and graveling the first alley north of McCarty street, from East street to New Jersey 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1018, *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. D. Hoss & Co., for grading and graveling the first alley west of Delaware street, from Seventh street to Eighth 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1018, *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 Geo. W. Buchanan, for grading and graveling Walcott street and sidewalks, from Michigan street to Koller 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1018, *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 Geo. W. Seibert, Sr., for grading, bowldering and curbing the east gutter of Delaware street, from Wyoming street to Ray 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following estimate resolution (see page 1019, *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 Geo. W. Seibert, Jr., for grading, bowldering and curbing the gutters of Bellefontaine avenue, from Christian avenue to Home avenue, 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, 7—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The following communication from the City Civil Engineer (see page 1019, *ante*), was read and received:

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

Gentlemen:—In accordance with your instructions, I advertised for bids for erecting stone abutments at East street and Pogue's Run, and at Sixth street and the Canal, to be received to-night. I intended to have complete plans and specifications on file in my office at the proper time, but owing to the fact of my being confined to my bed with sickness, I have been unable to have the plans ready.

I deem it proper to myself to make this statement, and to state further, that I will try to have every thing in readiness for your next regular meeting.

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The following report from the City Clerk was read:

To the Mayor, Common Council and Board of Aldermen:

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

Hanway & Cooper vs. Daniel Kirkwood, for.....	\$ 4 38
Hanway & Cooper vs. Isaac N. Pattison, for.....	8 75
Hanway & Cooper vs. Isaac N. Pattison, for.....	8 75
Hanway & Cooper vs. Isaac N. Pattison, for.....	8 75
Hanway & Cooper vs. Daniel Sullivan, for.....	2 50
Hanway & Cooper vs. Frank McWhinney, for.....	2 50
Hanway & Cooper vs. Martin L. McWhinney, for.....	6 00
Hanway & Cooper vs. Martha J. Davis, for.....	6 00
Hanway & Cooper vs. Martha J. Davis, for.....	6 00
Hanway & Cooper vs. Charles W. Cole, for.....	\$ 6 00
Hanway & Cooper vs. John V. Martin, for.....	6 00
Hanway & Cooper vs. John Herron, for.....	7 60
Hanway & Cooper vs. Christian Zimmerman, for.....	23 80
Jacob D. Hoss & Co. vs. William G. Cook, Receiver, for.....	23 56
Jacob D. Hoss & Co. vs. John Wood, for.....	23 56
Jacob D. Hoss & Co. vs. John Wood, for.....	23 56
Jacob D. Hoss & Co. vs. John Wood, for.....	23 56
Jacob D. Hoss & Co. vs. Citizens' National Bank, for.....	23 56
Jacob D. Hoss & Co. vs. Ann M. Hitchcock, for.....	24 80
Jacob D. Hoss & Co. vs. John W. Dittmore, for.....	27 44
Jacob D. Hoss & Co. vs Joseph Nieble, for.....	61 58
Jacob D. Hoss & Co. vs. Uilda and Warren Laird, for.....	27 90
Jacob D. Hoss & Co. vs. Frank McWhinney, for.....	25 26

Respectfully submitted,

GEO. T. BREUNIG, City Clerk.

And the favorable action of the Common Council thereon (see pages 1021 and 1022, *ante*), was concurred in, and the precepts ordered to issue, by the following vote:

AYES, 4—viz. Aldermen Endly, McHugh, Pritchard, and Tallentire.

NAYS, 3—viz. Aldermen Cox, King, and President Rorison.

The following report from the City Attorney was read:

* Admitted Sentinal, Jan 22/85
See Precept in Clerk's office 668

Indianapolis, Dec. 1, 1884.

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—The judgment of the Special Term of the Superior Court, in the case of John H. Vajen vs. The City, concerning which I made an extended report on May 5th, was this day affirmed by the General Term. No grounds were stated by the court in support of the decision. I recommend an appeal to the Supreme Court, for the reasons given in my former report.

In accordance with the decision of the last Supreme Court, which is fully reported on page 614 of the current year's Proceedings, the Superior Court has entered a decree requiring the City Civil Engineer to measure the work done by Thomas Wren on south Tennessee street, and report his estimate thereof to the Council for final action; and your honorable bodies are directed to formally order said Engineer to do the work. In order to comply with the order of the court, I hand to the Chairman of the Committee on Streets and Alleys a resolution meeting the case, which I recommend be adopted at once.

Respectfully submitted,

C. S. DENNY, City Attorney.

And the action of the Common Council on the first clause (see page 1023, *ante*), was concurred in; and as to the second clause, the following resolution was read:

Resolved, In compliance with the decree of the Superior Court of Marion County, Indiana, this day entered in the case of Thomas Wren vs The City of Indianapolis et. al, that the City Civil Engineer be, and he is hereby, ordered to proceed to make a measurement of the work done by said Wren under an ordinance of said city, entitled "An ordinance to provide for the grading and graveling of Tennessee street and sidewalks, between Garden and McCarty streets," ordained June 28th, 1865, and after deducting the estimates heretofore allowed on said work, to report to this Council and Board of Aldermen a full and final estimate of said work, for approval and allowance.

And it was concurrently adopted by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

The report of the Rental Agent (see page 1024, *ante*), was read and received.

The following report from the Committee on Accounts and Claims was read, and the favorable action of the Common Council thereon (see page 1025, *ante*), was concurred in:

To the Common Council:

Gentlemen:—Your Committee on Accounts and Claims, together with the City Attorney, to whom certain papers were referred, report thereon as follows:

1st. Is the claim of J. L. Spaulding, for \$42.43, on account of loss sustained by him in the improvement of Ninth (erroneously called Tenth) street. The mistake which prevented the contractor from enforcing his estimate, seems to have been wholly the fault of the city, and we think the *actual* loss to Mr. Spaulding ought to be refunded. We find this to be about \$32.00, and recommend the payment of that amount.

2d. Is the demand of Peter Zion for \$50.00, for alleged damages to his horse and buggy, in breaking through a bridge on Yeiser street. We have some doubt as to the city's liability; but find, after a careful investigation, that the damages do

not exceed \$15.00, and would recommend the allowance of that amount on condition that it be received in full of all demands.

Respectfully submitted,

Robert McClelland,
P. M. Gallahue,
Wm. Curry,

Committee on Accounts and Claims.

C. S. DENNY, City Attorney.

The report of the Committee of Conference (see page 1026, *ante*), was read and received.

The following motions (see pages 1023, 1030, 1031, and 1032, *ante*), were read and concurrently adopted:

That the City Civil Engineer be requested to notify Thomas Wren of the time of making the estimate.

That the City Attorney be directed to notify the Board of Police Commissioners to pay into the city treasury all money or monies now in the hands of said Board, belonging to the City of Indianapolis; and upon failure to do so within five days from the time of receiving such notice, that said City Attorney be, and he is hereby, directed to bring suit for the same.

That the City Civil Engineer be, and is hereby, instructed to re-advertise for grading and graveling the first alley north of Bates street, from Dillon street to Leota street, the ordinance for the same having passed both bodies.

That the Street Commissioner is hereby directed to open the water way under the sidewalk on Pine street, south of the C., H. & I. Railroad.

That the contractor for removing dead animals, be notified to at once file his bond and pay into the treasury the amount due on said contract. If this order be not at once complied with, that the City Clerk be directed to re-advertise for bids.

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

G. O. 70, 1884—An ordinance providing for the construction of a brick sewer in and along Massachusetts avenue, from Bellefontaine street to Alabama street.

G. O. 76, 1884—An ordinance providing for the appointment of assistants for the Board of Health.

S. O. 116, 1884—An ordinance to provide for grading and graveling the first alley west of West street, from Michigan street to North street.

S. O. 127, 1884—An ordinance to provide for grading and graveling the first alley south of North street, from West street to California street.

S. O. 139, 1884—An ordinance to provide for grading, bowldering and curbing the gutters, and paving with brick the sidewalks of Chesapeake street, from Illinois street to the first alley running north and south.

S. O. 144, 1884—An ordinance to provide for grading and paving with brick the sidewalks of California street, from Pratt street to First street.

S. O. 145, 1884—An ordinance to provide for grading and graveling the first alley south of St. Joseph street, from Illinois street to the first alley east of Illinois street.

S. O. 146, 1884—An ordinance to provide for grading and graveling Orange street and sidewalks, from Spruce street to Reid street.

S. O. 139, 1884, of the above entitled ordinances, was ordered stricken from the files, by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard Tallentire, and President Rorison.

NAYS—None.

APPROPRIATION ORDINANCES.

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

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

Ap. O. 59, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$496.01.]

And it was passed by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Porison.

NAYS—None.

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

Ap. O. 60, 1884—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, \$1,474.21.]

And it was passed by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 61, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Alderman Bernhamer moved to strike out the claim of "Wm. D. Griffin" \$60.00."

Which failed of adoption, by the following vote:

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

NAYS, 5—viz. Aldermen Cox, Endly, Pritchard, Tallentire, and President Rorison.

The ordinance was then read the third time (amount appropriated, \$20,677.79), and passed, by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 62, 1884—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Station House.

Alderman Pritchard offered the following motion; which was adopted:

Sentinel, \$4.00 } Be stricken out of the appropriation, and referred to the Police
Journal, \$5.00 } Commissioners, with the request they pay the bills out of the
fund received from sale of mules.

The ordinance was then read the third time (amount appropriated \$290.69), and passed, by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 63, 1884—An ordinance appropriating the sum of Fourteen Thousand Dollars (\$14,000.00) for the payment of the salaries of the Commissioners, Officers and Members of the Metropolitan Police of the City of Indianapolis.

And it was passed by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

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

Ap. O. 64, 1884—An ordinance appropriating the sum of Two Thousand (\$2,000) Dollars, on account of the Street Repair Department of the City of Indianapolis.

And it was passed by the following vote:

AYES, 8—viz. Aldermen Bernhamer, Cox, Endly, King, McHugh, Pritchard, Tallentire, and President Rorison.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Streets & Alleys and Sewers & Drainage, through Alderman Endly, 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 sundry matters, report as follows:

1st. Is the report of the Board of Public Improvements, recommending "That the Street Commissioner build a wooden bridge over Crooked Run at Walcott street." Recommend the action of the Council be concurred in.

2d. Is a motion "That the contractor for making brick walks on Michigan street be, and is hereby, directed to lay double stone crossings on Michigan street, across Pine street." Recommend the action of the Council be not concurred in.

3d. Is a motion "That no stone crossings be laid on alley crossings, unless the ordinances include curbing, and said alley crossings shall be bowldered when sidewalk is paved." Recommend the motion be concurrently adopted:

Respectfully submitted,

Thomas E. Endly,

Isaac King,

Committee on Streets and Alleys,

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Pritchard offered the following motion; which was adopted:

That the property holders owning real estate on Chesapeake street, from Illinois street to the first alley west of Illinois street, be given permission to grade and bowlder the same, at their own expense, under the direction of the City Civil Engineer.

On motion by Alderman Pritchard, the following entitled ordinance was referred to the Committee on Judiciary and Ordinances:

G. O. 76, 1884—An ordinance providing for the appointment of assistance for the Board of Health.

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

S. O. 140, 1884—An ordinance to provide for paving with brick the north sidewalk of Ninth street, from Tennessee street to the first alley east of Tennessee street.

And it failed of passage (requiring a two-thirds vote), by the following vote:

AYES, 6—viz. Aldermen Cox, Endly, King, McHugh, Pritchard, and Tallentire.

NAYS, 2—viz. Alderman Bernhamer, and President Rorison.

On motion, the Board of Aldermen then adjourned.

BRAINARD RORISON, President.

Attest: FRANK W. RIPLEY, Clerk.