

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 25, 1886.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 25th, A. D. 1886, at 7:30 o'clock, in regular session.

PRESENT—Hon. Isaac King, President *pro tem.* of the Board of Aldermen, in the Chair, and Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, and Wright—8.

ABSENT, 2—viz: Alderman Brown, and President Endly.

The Proceedings of the Board of Aldermen for the special session held January 8th; the regular session held January 11th, and the Proceedings of the Joint Conventions held January 8th and 11th, 1886, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

The following message was read:

To the President and Members of the Board of Aldermen :

Gentlemen:—The Common Council, at its session held January 18, 1886, non-concurred in your action of January 11, 1886, in adopting the following motion :

“That any member of the Common Council and Board of Aldermen who appears under the influence of liquor in these Chambers, shall be fined by the Mayor in any sum not more than twenty-five dollars, nor less than five dollars, to which expulsion may be added.”

I submit the same for your consideration.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

And on motion by Alderman Laut, the Board adhered to its former action.

The following message was read and concurred in :

To the President and Members of the Board of Aldermen :

Gentlemen:—The Common Council, at its regular session held January 18, 1886, referred the annual reports of the Chief Fire Engineer, City Dispensary and Board of Health, to the Committee on Printing, with instructions to have the same printed in pamphlet form, not exceeding five hundred copies.

I submit the foregoing for your consideration.

For the Common Council

MICHAEL F. SHIELDS, City Clerk.

The following message was read and received :

SIG. 6.

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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 regular session, held January 18th, 1886.

For the Common Council:

MICHAEL F. SHIELDS, City Clerk.

The following communication from His Honor, the Mayor, and the City Clerk, (see page 44, *ante*), was read and received:

Indianapolis, Jan'y. 12, 1886.

To the Common Council and Board of Aldermen:

Gentlemen:—We respectfully report that in pursuance of the action had by your honorable bodies at your last sessions, we did on this day sign three time-warrants for eleven thousand dollars each, payable to Hiram W. Miller, May 12th, 1886, with five per cent. interest per annum from date, and that on delivery of said warrants to said Miller, he placed to the credit of the city said sum of thirty-three thousand dollars.

Respectfully submitted,

C. S. DENNY, Mayor.

MICHAEL F. SHIELDS, City Clerk.

The following report from the City Clerk (see page 44, *ante*), 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 improvement assessments by precepts, to-wit:

Henry C. Roney vs. Patrick Doyle, for.....	\$15 20
George W. Seibert, Jr., vs. John D. Condit, for.....	8 12
George W. Seibert, Jr., vs. Frank McWhinney, for.....	7 60
George W. Seibert, Jr., vs. Kate C. Steere, for.....	7 60
John L. Spaulding vs. Stoughton J. Fletcher and Francis M. Churchman, for.....	39 90
George W. Seibert, Jr., vs. Ellis Pugh, for.....	7 60
Richter & Twiname vs. Levina D. Athon, for.....	28 64

MICHAEL F. SHIELDS, City Clerk.

And the precepts concurrently ordered to issue, by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem*. King.

NAYS—None.

The following report from the City Civil Engineer (see page 44, *ante*), was read, and concurrently approved:

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 Richter & Twiname, for painting the following city bridges:

Morris street bridge over Pogue's Run.....	\$45 00
Ohio street bridge over Pogue's Run.....	55 00

Total.....\$100 00

Respectfully submitted,

S. H. SHEARER, City Civil Engineer.

The report of the Board of Health for the two weeks ending January 15th, 1886, was read and received.

The report of the Board of City Commissioners in the matter of opening and extending the first alley west of Shelby street, from its present terminus, through Lot 1, Dougherty's subdivision of Out-lot 99, to Coburn street (see pages 45, 46 and 47, *ante*), was read.

The following resolution (see page 47, *ante*), was read :

Resolved, That the report of the City Commissioners in the matter of opening and extending the first alley west of Shelby street, from its present terminus through Lot one, in Dougherty's subdivision of Out-lot ninety-nine (99), to Coburn street, be, and the same is hereby, in all things accepted and approved; that the benefits assessed, and damages awarded by said Commissioners, be, and the same is hereby, approved; that the real estate therein described for the opening of said alley be and the same is hereby, appropriated; that the City Clerk be, and he is hereby, directed to certify to the Treasurer of Marion County, Indiana, so much of said report as assesses benefits and awards damage upon real estate, giving the description thereof; *Provided, however*, That said Treasurer shall not tender or pay any part of the damage or costs occasioned by said opening, as shown by said Commissioners' report, nor shall said alley be opened, until the benefits assessed shall have all been paid to said Treasurer; the collection of which benefits and costs the said Treasurer's hereby directed to make, as soon as said certified copy of the Commissioners' report comes to his hands.

And it was concurrently adopted by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem*. King.

NAYS—None.

The report of the Finance Committee (see page 47, *ante*), was read, and the favorable action of the Council concurred in.

The petition relating to fast driving (see page 56, *ante*), was read, and the action of the Council was non-concurred in, by the following vote:

AYES, 2—viz: Aldermen Laut, and Prier.

NAYS, 6—viz: Aldermen Crosby, Pritchard, Rail, Schmidt, Wright, and President *pro tem*. King.

The following motion (see page 54, *ante*), was read :

That the Citizens' Street Railway Company be, and is hereby, notified to hereafter open up all street crossings which the said company blockade by cleaning the snow off of the street car tracks.

And on motion, was referred to the Committee on Streets and Alleys.

The following motions (see pages 51 and 54, *ante*), were read, and concurrently adopted :

That the Street Commissioner notify Mr. John Martin to repair his brick sidewalk fronting the old Vance property, on east Washington street; and if not done within fifteen days, to do the work and collect the cost from the property owner.

WHEREAS, The books of the late City Treasurer are left in the City Treasurer's rooms apparently without any one being responsible for them; therefore be it

Moved, That all books not turned over to the Auditor, be placed in the care of the City Clerk.

That the Street Commissioner be instructed to notify the property holders on and along Vermont street, between Alabama and New Jersey streets, to repair the sidewalk in front of their property.

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

- S. O. 2, 1886—An ordinance to provide for grading, bowldering and curbing the gutters of Ash street, from Christian avenue to Massachusetts avenue.
- S. O. 6, 1886—An ordinance to provide for the repealing of an ordinance, No. 113, 1885, entitled "An ordinance for grading and paving with brick the sidewalks of Rose street, from West street to the second alley west of West street."
- S. O. 7, 1886—An ordinance to provide for the repealing of ordinance No. 111, 1885, entitled "An ordinance for grading and paving with brick the sidewalks of West street, from McCarty street to Morris street."
- S. O. 8, 1886—An ordinance to provide for repealing an ordinance, No. 123, 1885, entitled "An ordinance to provide for grading and paving with brick, the sidewalks of Missouri street, from Merrill street to McCarty street."

On motion by Alderman Rail, the rules were suspended for the purpose of placing the above entitled ordinances on their final passage, by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS—None.

S. O. 2, 1886, was read a second and a third time, and passed by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS—None.

S. O. 6, 1886, was read a second and a third time, and passed by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS—None.

S. O. 7, 1885, was read a second time, and on motion, was referred to the Committee on Streets and Alleys.

S. O. 8, 1886, was read a second and a third time, and passed by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Finance, through Alderman Schmidt, submitted the following report:

To the President and Members of the Board of Aldermen of the City of Indianapolis:

Gentlemen:—At the last meeting of the Board, certain resolutions were referred to your Committee on Finance, requesting an examination of the condition of affairs between the city and the former City Treasurer, Mr. Isaac N. Pattison, and to report upon what steps ought to be taken. On the 15th of this month we held a joint meeting with the Finance Committee of the Common Council, and to this meeting Mr. Pattison sent his report; which is as follows:

To the Finance Committee:

Gentlemen:—My last report showed a balance due from me to the city of the various funds, the sum of.....\$197,043 42
 Since then I have placed to the city's credit with Winslow, Lanier & Co., of New York.....\$65,430 00
 Turned over to H. W. Miller, County Treasurer..... 19,240 11 84,670 11

Amount due the city.....\$112,373 31

I have due me sundry notes, \$25,000, and also real estate and different interests in the Tile Works, to more than make up the deficiency, if I am granted the time to realize on them. By so doing, I can not see that the city's interests will be jeopardized in the least. Respectfully, I. N. PATTISON.

The real estate referred to above, consists of the Parker Block, a two-story brick dwelling with slate roof, on south Alabama street, and six lots in Davidsen's second addition. I. N. PATTISON.

So at that time Mr. Pattison retained of the city's money, \$112,373.31. Since, he has paid over to the present City Treasurer, the sum of \$1,079.92. So the amount of his deficiency at this time, is \$111,293.39. As you will see from his report, Mr. Pattison wants time, and thinks the city's interest would not be jeopardized thereby.

There have been two joint sessions of the Finance Committees since. While different propositions and promises have been made, so far *absolutely nothing* has been done. For the meeting on the 20th, a written agreement of the sureties, consenting to an extension of time, was to be submitted; but for some reason it was not submitted; but for some reason it was not ready—and we don't even know what this agreement contains. The joint committee have been promised a look at the document next Wednesday evening, January 27th.

In the mean time, day after day elapses. The city is compelled to borrow money every month, because the former Treasurer, in violation of law—of his oath of office, and of his bond, retains \$111,293.39 of the money which he received in trust and by virtue of his office. Every day's delay not only puts off the final result, but endangers the city's claim.

Two years before the first of January, 1886, Mr. Pattison knew that he had to turn over the money in his hands to his successor. Twenty-five days have elapsed since Mr. Pattison became a defaulter, in the eye of the law. He has asked for time; he asks for time now, but he has done absolutely nothing to secure the city. His bondsmen have also privately urged that time be given; but no proposition of any kind has yet been presented by them.

We believe our duty as representatives of the city, is clear. We are here for the city, and the city only. We ought to see that the city's money is saved, if possible. The law points out the way, by saying that in case of a suit on a public officer's bond, the property of the officer and his bondsmen shall be bound from the time of the commencement of the suit. We recommend the following resolution:

Resolved, That the City Attorney be instructed to bring immediate suit against Isaac N. Pattison and his bondsmen for the recovery of the \$111,293.39, which Mr. Pattison withholds from the city.

Lorenz Schmidt,
 H. W. Laut,
 Committee on Finance, Accounts and Claims.

Alderman Pritchard offered the following amendment :

Move to amend, by adding the words "Provided some arrangement is not consummated between Mr. Pattison and his bondsmen and the Committees on Finance, who have the matter in charge."

Which failed of adoption, by the following vote:

AYES, 2—viz: Aldermen Pritchard, and Wright.

NAYS, 6—viz: Aldermen Crosby, Laut, Prier, Rail, Schmidt, and President *pro tem.* King.

The report and resolution were then adopted, by the following vote:

AYES, 7—viz: Aldermen Crosby, Laut, Prier, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS, 1—viz: Alderman Pritchard.

The Judiciary Committee, through Alderman Pritchard, submitted the following report; which was concurred in, and G. O. 34, 1885, stricken from the files:

To the President and Members of the Board of Aldermen:

Gentlemen:—Your Judiciary Committee, to whom was referred G. O. 34, 1885, an ordinance prohibiting the peddling of fruit on certain streets, report:

1st. That all evils, if any, attempted to be remedied by this ordinance, are fully covered by existing ordinances.

2d. The ordinance in its terms seeks to make an act illegal within the boundaries of North, South, West and East streets, and *legal* elsewhere in the city.

All penal ordinances must be *general*, to be valid. The ordinance under consideration would, in our opinion, be void, if passed. We therefore recommend that the ordinance be stricken from the files.

Respectfully submitted,

James A. Pritchard,
G. S. Wright,
Lorenz Schmidt,
Judiciary Committee.

Alderman Schmidt called up the report of the City Commissioners and resolution accompanying the same, (see page 781, of the Proceedings of 1885); and on his motion, the report was concurred in, and the resolution concurrently adopted, by the following vote:

AYES, 8—viz: Aldermen Crosby, Laut, Prier, Pritchard, Rail, Schmidt, Wright, and President *pro tem.* King.

NAYS—None.

On motion, the Board of Aldermen then adjourned.

ISAAC KING,
President *pro tem.*

Attest: J. T. FANNING, Clerk.