

# PROCEEDINGS OF COMMON COUNCIL.

SPECIAL SESSION—AUGUST 7, 1888.

The Common Council of the City of Indianapolis, met in the Council Chamber, Tuesday evening, August 7th, A. D. 1888, at eight o'clock, in special session, pursuant to the following call :

*Indianapolis*, August 6, 1888.

To C. S. DENNY, Mayor of the City of Indianapolis:

*Sir*:—You are hereby requested to call a special meeting of the Common Council of said city, for Tuesday evening, August 7th, 1888, at eight o'clock, for the transaction of any and all business that may be lawfully brought before it.

C. F. Darnell,  
J. C. Finch,  
W. M. Hicklin,  
Michael J. Burns,  
Isaac Thalman,

Members of the Common Council.

In compliance with the above request, I hereby call the Common Council of the City of Indianapolis to meet in special session, in the Council Chamber, on Tuesday evening, August 7th, 1888, at 8 o'clock, for the transaction of any business that may lawfully be brought before it.

August 6, 1888.

C. S. DENNY, Mayor.

PRESENT—Hon. Caleb S. Denny, Mayor, and *ex officio* President of the Common Council, in the Chair, and 20 members, viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

ABSENT, 5—viz: Councilmen Coy, Gaul, McClelland, O'Connor, and Stuckmeyer.

## APPROPRIATION ORDINANCES.

The following entitled ordinances were introduced and placed upon their final passage without a suspension of the Rules :

Councilman Thalman, on behalf of the Finance Committee, submitted the following entitled appropriation ordinances :

Ap. O. 45, 1888—An ordinance appropriating money for the payment of the salaries of the officers and members of the Fire and Police Departments; of the Committee Clerk; of the Janitor and Assistant Janitor of the City Hall; of the Janitor and Assistant Janitor of Tomlinson Hall, and of the East and West Market Masters. [Amount appropriated, \$11,413.33.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

Ap. O. 46, 1888—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, \$1,649.31.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

Ap. O. 47, 1888—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital—(Special appropriation ) [Amount appropriated, \$754.50.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

Ap. O. 48, 1888—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$1,354.76.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

Ap. O. 49, 1888—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$273.02.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

Ap. O. 50, 1888—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$12,447.91.]

Read the first and second times, ordered engrossed, read the third time and passed, by the following vote :

AYES, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

The Rental Committee submitted the following report; which was received:

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Committee having charge of the renting of Tomlinson Hall, beg leave to make the following report, viz: Rents collected during the month of June, 1888—

June 6.	Sons of Veterans .....	\$50 00
" 20.	National Convention Telegraph Operators.....	25 00
" 25.	Ind. Musical Association Concert.....	30 00
" 26.	Harrison Committee.....	30 00

Rents collected during the month of July, 1888:

July 14.	Thos. Taggart .....	30 00
" 24.	Commercial Association K. of L.....	30 00

Respectfully submitted,

G. S. WRIGHT,  
WM. L. TAYLOR,  
JNO W. BOWLUS,  
Rental Committee.

MESSAGE FROM THE BOARD OF ALDERMEN.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

Gentlemen:—The Board of Aldermen, in regular session held in the Aldermanic Chamber Monday evening, July 23d, 1888, adopted the following motion:

"That the railroad companies running trains into the Massachusetts Avenue Depot, be requested to slow down all trains at that point, since the running of fast trains at the crossings of Massachusetts avenue, greatly endanger the lives of passengers on the Clifford avenue street car line. The City Clerk is directed to deliver a copy of this motion to the Superintendents of each of said railroads."

I submit the same for your consideration.

For the Board of Aldermen:

MICHAEL W. TOOMEY, Clerk.

COMMUNICATIONS, ETC., FROM THE MAYOR.

His Honor, the Mayor, offered the following resolution:

WHEREAS, The Indianapolis Cable Street Railroad Company has been enjoined by order of the Superior Court of Marion County, Indiana, at the suit of the Citizens' Street Railroad Company, from the use or occupation of all of Georgia street

west of Meridian street; all of Meridian street north of Georgia street, and all of Alabama street and Home and Central avenues, in the City of Indianapolis, and has been so enjoined at a time when it was laying and constructing track on that main line; and

*Whereas*, The grounds upon which the said Court granted the order so enjoining said Indianapolis Cable Street Railroad Company, are such grounds as, if ultimately maintained as matters of law, will preclude the said company from any present use and occupation, under existing ordinances passed by these municipal bodies, of any of the streets of the City of Indianapolis; and

*Whereas*, It is deemed by these municipal bodies that the public interest will be best subserved if the said Indianapolis Cable Street Railroad Company shall and will abstain from attempting to further use or occupy any of the streets of said City of Indianapolis under said existing ordinances until such time as the grounds upon which said order of the said Superior Court rests have been fully and finally adjudicated upon by a court of the last resort; therefore, be it

*Resolved*, That upon the express condition that such full and final adjudication shall be had by the said Indianapolis Cable Street Railroad Company, with all convenient speed, and the stopping of all work by said cable company until said adjudication, the said Indianapolis Cable Street Railroad Company be, and hereby is, released from any and all necessity, in order to the preservation of any license, rights or privileges it may legally have or claim under such existing ordinances, or either of them, to proceed to complete, equip or operate any and all main lines or branch lines within the time or times provided in said existing ordinances, or either of them; and that the time between the passage of this resolution and such full and final adjudication by a court of the last resort upon said grounds, shall not be counted under said existing ordinances, or either of them, but said time shall be, and is hereby, added to the time therein specified for the completion of said lines, together with such further time as has elapsed between the date of such order of said Superior Court of Marion County, Indiana, and the passage of this resolution.

His Honor, the Mayor, presented the following communication:

*Indianapolis, Ind., August 7th, 1888.*

To the Common Council and Board of Aldermen of the City of Indianapolis:

*Gentlemen*:—The Indianapolis Cable Street Railroad Company hereby agrees that in the event of the adoption of the resolution in relation to the preservation of any and all rights of said company conditioned on their ceasing to further use or occupy streets of said city under the provisions of existing ordinances in relation to said company, until adjudication by a court of the last resort, said company will accept and abide by the terms, conditions and requirements contained in said resolution.

INDIANAPOLIS CABLE STREET RAILROAD COMPANY,

By U. J. HAMMOND, Sec'y. and Treas'r.

Councilman Hicklin moved the previous question.

Which was ordered, by the following vote:

AYES, 15—viz: Councilmen Burns, Davis, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Markey, Parkinson, Pearson, Smith, Swain, Thalman, and Wilson.

NAYS, 5—viz: Councilmen Cummings, Darnell, Dunn, Long, and Trusler.

The resolution, as offered by His Honor, the Mayor, was then adopted by the following vote:

AYES, 16—viz: Councilmen Burns, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Markey, Parkinson, Pearson, Smith, Swain, Thalman, and Wilson.

NAYS, 4—viz: Councilmen Cummings, Darnell, Long, and Trusler.

## REPORTS, ETC., FROM STANDING COMMITTEES.

The Fire Committee, through Councilman Trusler, submitted the following report; which was concurred in:

To the Mayor and Common Council:

*Gentlemen.*—Your Committee to whom was referred the request of the Chief Fire Engineer, that he be allowed to purchase two thousand feet of hose in lieu of that destroyed by the Massachusetts avenue fire, would respectfully recommend that he be instructed to purchase two thousand feet of hose for use in the Fire Department.

Respectfully submitted,

P. C. Trusler,  
J. C. Finch,  
Fire Committee.

The Committee on Judiciary and City Attorney, through Councilman Cummings, submitted the following report; which was concurred in:

To the Mayor and Common Council:

*Gentlemen.*—Your Committee on Judiciary, with the City Attorney, make the following report: We recommend the petition of Joshua Zimmerman, asking for the refunding of \$90.30, the amount which he asserts to have been erroneously paid for street improvement on Wisconsin street, in territory known as "Disputed Territory," be not granted, for the reason that there is no law authorizing the refunding of money thus erroneously paid.

Respectfully submitted,

M. M. Cummings,  
P. J. Kelly,  
John R. Pearson,  
Committee on Judiciary.

WM. L. TAYLOR, City Attorney.

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

To the Mayor and Common Council:

*Gentlemen.*—Your Committee on Judiciary report that we recommend the adoption of the motion requesting the City Attorney not to interfere with the private lamp-post at No. 60, east Washington street.

Respectfully submitted,

M. M. Cummings,  
John R. Pearson,  
P. J. Kelley,  
Committee on Judiciary.

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

To the Mayor and Common Council:

*Gentlemen.*—Your Committee on Judiciary, to whom was referred sundry matters, report thereon as follows:

1st. We recommend that the communication of the City Attorney, relative to the building of a stone wall on the south side of the C., H. & I. R. R., between Noble and Pine streets, be referred to the Railroad Committee.

2d. We recommend that the petition of J. S. Cruse, Commissioner, asking for the refunding of \$189.00 taxes, which he alleges to have been erroneously paid, be not granted.

Respectfully submitted,

M. M. Cummings,  
P. J. Kelley,  
John R. Pearson,  
Committee on Judiciary.

The Committee on Public Light, through Councilman Trusler, submitted the following report; which was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Public Light, to whom was referred the motion instructing the City Civil Engineer to locate two vapor lights on the south side of English avenue, between Linden and Laurel streets—one on the east side of Olive street, between Prospect street and Woodlawn avenue, and one between Woodlawn avenue and Lexington avenue, on the west side of Olive street—recommend that the motion be passed.

Respectfully submitted,

P. C. Trusler,  
Thomas Markey,  
J. C. Finch,  
Committee on Public Light.

The Committee on Streets and Alleys, through Councilman Dunn, submitted the following report; which was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—Your Committee on Streets and Alleys, to whom was referred sundry matters, report thereon as follows:

1st. We recommend that S. O. No. 73, 1888, providing for the grading and paving with brick the north sidewalk of Washington street, from Bloomington street to White River bridge, be passed.

2d. We recommend that the petition of Walter Martin and others, asking for the opening of Miley avenue and Bloomington street, be referred back to the petitioners, with a request to provide a plat of the proposed streets, and also to give a more complete description of said proposed streets.

Respectfully submitted,

Edward Dunn,  
C. H. Stuckmeyer,  
Elton B. Elliott,  
Committee on Streets and Alleys.

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

S. O. 73, 1888—An ordinance to provide for grading and paving with brick, the north sidewalk of Washington street, from Bloomington street to White River, where not already properly done.

And it was passed by the following vote:

AYES, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

NAYS—None.

The Committee on Water, through Councilman Smith, submitted the following report:

To the Mayor and Common Council:

*Gentlemen:*—We would recommend the passage of the following resolution, referred to the Committee on Water, April 23d, 1888:

“Resolved, That the Indianapolis Water Company be, and is hereby, directed to lay water mains in Morris street, from Meridian street to Madison avenue, and from Morris street southward in Union street to Hill street, and locate two hydrants,

under the direction of the Chief Fire Engineer. Also, extend mains on Union street from present terminus to Phipps street, and locate fire hydrants at the intersection of Phipps and Union streets."

Respectfully submitted,

Henry L. Smith,  
John O'Connor,  
M. M. Cummings,  
Committee on Water.

Which report was concurred in, and the resolution adopted, by the following vote:

**AYES**, 20—viz: Councilmen Burns, Cummings, Darnell, Davis, Dunn, Elliott, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Swain, Thalman, Trusler, and Wilson.

**NAYS**—None.

#### REPORTS FROM SELECT COMMITTEES.

The Special Committee on Water, through Councilman Darnell, submitted the following report:

To the Common Council:

*Gentlemen*:—Your Special Committee, who were instructed to investigate the purity of the water supply, would report that we have carefully investigated the matter, and are prepared to state that we are being furnished with water taken directly from the River and from the Canal.

We would recommend that in order to bring the matter before the courts, that the Council refuse to pay the bill of the Indianapolis Water Company, except for hydrants, until such time as evidence shall be furnished that the contract to furnish pure and wholesome water is complied with.

We would advise private consumers to take the same action, and we agree to furnish evidence sufficient to justify such a course.

Respectfully submitted,

C. F. Darnell,  
P. C. Trusler,  
J. Johnston,  
Special Committee.

Councilman Thalman moved that the report be referred back to the Committee, with instructions to investigate thoroughly, with power to summon witnesses, and report to Council.

Councilman Trusler moved as a substitute, that the whole matter be referred to the Board of Health.

Which motion was adopted, by the following vote:

**AYES**, 11—viz: Councilmen Burns, Elliott, Gasper, Johnston, Kelley, Markey, Parkinson, Pearson, Thalman, and Wilson, and Mayor Denny.

**NAYS**, 10—viz: Councilmen Cummings, Darnell, Davis, Dunn, Finch, Hicklin, Long, Smith, Swain, and Trusler.

The Special Committee on Railroads, through Councilman Dunn, submitted the following report:

To the Mayor and Common Council:

*Gentlemen.*—Your Special Committee to whom was referred General Ordinance No. 26, 1888, entitled "An ordinance authorizing the construction, extension and operation of a certain street railway in and upon the streets and alleys of the City of Indianapolis," report that we have considered the same, and find several amendments in our judgment which are necessary, and therefore have prepared a draft of said ordinance as we think it should be amended, which draft accompanies this report; and we recommend that all of said General Ordinance No. 26, after the ordaining clause in Section 1, be stricken out, and that the accompanying draft be substituted in lieu thereof.

We further recommend that McNeal and his associates be required to deposit with the Mayor a check for \$2,000, as a guarantee that all the provisions contained in said ordinance as amended, will be complied with; otherwise, the said \$2,000 shall be forfeited to the city.

Respectfully submitted,

Edward Dunn,  
W. H. Wilson,  
P. J. Kelley,  
Special Committee.

The following entitled ordinance was then read the second time:

G. O. 26, 1888—An ordinance authorizing the construction, extension and operation of a certain street railway in and upon the streets and alleys of the City of Indianapolis.

Councilman Finch offered the following amendment to paragraph five, of the foregoing entitled ordinance:

A line, beginning at the crossing of New York and Davidson streets, and running on Davidson to Ohio; on Ohio from Davidson to State; on State from Michigan to the National Road, and on the National Road to the east city limits.

Which was adopted.

Councilman Cummings moved that the ordinance be engrossed.

Councilman Darnell moved as a substitute, that further action be postponed until after the Supreme Court renders its decision on the Dudley ordinance.

Councilman Wilson moved to lay the motion offered by Councilman Darnell, on the table.

Which motion was adopted, by the following vote:

AYES, 15—viz: Councilmen Cummings, Davis, Dunn, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Smith, Thalman, Trusler, and Wilson.

NAYS, 5—viz: Councilmen Burns, Darnell, Elliott, Pearson, and Swain.

Councilman Cummings moved that the report of the Committee be concurred in, and that the amendments reported therewith, be adopted.

Which motion was adopted, by the following vote:

**AYES, 16—viz:** Councilmen Cummings, Davis, Dunn, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Pearson, Smith, Thalman, Trusler, and Wilson.

**NAYS, 4—viz:** Councilmen Burns, Darnell, Elliott, and Swain.

Councilman Thalman moved the previous question.

Which was ordered.

The ordinance was then ordered engrossed, by the following vote :

**AYES 15—viz:** Councilmen Cummings, Davis, Dunn, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkinson, Smith, Thalman, Trusler, and Wilson.

**NAYS, 5—viz:** Councilmen Burns, Darnell, Elliott, Pearson, and Swain.

The following entitled ordinance was then read the third time :

G. O. 26, 1888—An ordinance authorizing the construction, extension and operation of a certain street railway in and upon the streets and alleys of the City of Indianapolis.

And it was passed by the following vote :

**AYES, 15—viz:** Councilmen Cummings, Davis, Dunn, Finch, Gasper, Hicklin, Johnston, Kelley, Long, Markey, Parkin on, Smith, Thalman, Trusler, and Wilson.

**NAYS, 4—viz:** Councilmen Burns, Darnell, Elliott, and Pearson.

Councilman Cummings presented the following petitions ; which were ordered filed with the ordinances :

*Indianapolis, Aug. 6th, 1888.*

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

*Gentlemen:*—The undersigned, owners of real estate fronting on Mississippi street, between Ohio and Washington streets, respectfully petition for the passage of an ordinance providing for grading and paving the roadway, to a width of fifty (50) feet, with Vulcanite Asphaltic Pavement, of Mississippi street, and widening the sidewalks thereof to a width of twenty (20) feet, and curbing with stone the outer edges thereof, from the north line of Ohio street to the south line of Washington street.

The undersigned, on behalf of the State of Indiana, do hereby give our consent to, and approve of, the above named improvement in front of the State House grounds.

J. A. LEMCKE, Treasurer of State.  
BRUCE CARR, Auditor of State.

*Indianapolis, Aug. 6th, 1888.*

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

*Gentlemen:*—The undersigned, owners of real estate fronting on Tennessee street, between Washington street and the north line of Ohio street, respectfully petition for the passage of an ordinance providing for grading and paving the roadway, to a width of fifty (50) feet, with Vulcanite Asphaltic Pavement, of Tennessee street, and widening the sidewalks to a width of twenty (20) feet, and curbing with stone the outer edges thereof, from Washington street to the north line of Ohio street.

The undersigned, on behalf of the State of Indiana, do hereby give our consent to, and approve of, the above named improvement in front of the State House grounds.

J. A. LEMCKE, Treasurer of State.  
BRUCE CARR, Auditor of State.

Indianapolis, Aug. 6th, 1888.

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

*Gentlemen:*—The undersigned, owners of real estate fronting on Ohio street, between Tennessee and Mississippi streets, respectfully petition for the passage of an ordinance providing for grading and paving the roadway, to a width of fifty (50) feet, with Vulcanite Asphaltic Pavement, of Ohio street, and widening the sidewalk to a width of twenty (20) feet, and curbing with stone the outer edges thereof, from Tennessee street to Mississippi street.

The undersigned, on behalf of the State of Indiana, do hereby give our consent to, and approve of, the above named improvement in front of the State House grounds.

J. A. LEMCKE, Treasurer of State.

BRUCE CARR, Auditor of State.

Councilman Markey presented the following petition; which was referred to the Committee on Streets and Alleys:

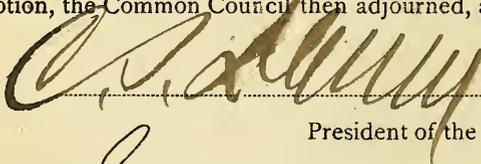
Indianapolis, July 2, 1888.

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

*Gentlemen:*—The undersigned, owners of real estate fronting on Lincoln Lane and Minnesota street, respectfully petition for the passage of an ordinance providing for the vacation of six feet on the second alley west of East street.

Fred. Rugenstien, John Blohm, Jacob Weisshaur, Sarah Moore, Fritz Haase—and 8 others.

On motion, the Common Council then adjourned, at 11 o'clock, P. M.



....., Mayor,

President of the Common Council.

Attest:



....., City Clerk.