

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—OCTOBER 22, 1888.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, October 22d, A. D. 1888, at 7:30 o'clock, in regular session.

PRESENT—Hon. Granville S. Wright, President of the Board of Aldermen, in the Chair, and Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, and Tousey—10.

ABSENT—None.

The Proceedings of the Board of Aldermen for the regular session held October 8th, 1888, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was read and received :

To the President and Members of the Board of Aldermen :

Gentlemen:—I submit herewith the following paper for your consideration, favorably passed upon by the Common Council at an adjourned session held October 8th, 1888.

For the Common Council:

JNO. W. BOWLUS, City Clerk.

The following motion (see page 676, *ante*), was read, and referred to the Committee on Streets and Alleys :

That the City Attorney and City Civil Engineer be, and are hereby, directed to investigate the records of the plats filed, and report the width of Walnut street, between Noble and Railroad streets.

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 a regular session, held October 15th, 1888.

For the Common Council:

JNO. W. BOWLUS, City Clerk.

The report from His Honor, the Mayor, showing the amount of fines and fees collected during the month of September, 1888, (see page 690, *ante*), was read and received.

The following report from the City Clerk (see page 690, *ante*), was read :

To the Mayor, Common Council and Board of Aldermen ;

Gentlemen.—I herewith report the following entitled affidavits, now on file in the office of the City Clerk, for the collection of street improvement assessments by precept, to-wit :

J. L. Fisher vs. Jos. V. McKernan, for.....	\$104 46
J. L. Fisher vs. Robt. Greenman, for.....	101 18

Respectfully submitted, JNO. W. BOWLUS, City Clerk.

And the action of the Common Council thereon was concurred in, and the precepts ordered to issue, by the following vote :

AYES, 7—viz: Aldermen Connett, Laut, Reinecke, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The report of the City Attorney, in relation to the ordinance prohibiting a concert to be conducted in a saloon (see page 691, *ante*), was read and received.

The report of the City Civil Engineer, in relation to the sprinkling of the Illinois street tunnel (see page 691, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report of the City Civil Engineer, accompanied with estimate, (see page 691, *ante*), was read, and the favorable action of the Common Council thereon, was concurred in.

The following estimate resolution (see page 691, *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 Joseph Bernauer, for grading and paving with brick the sidewalks of Wisconsin street, from Meridian street to the Canal, 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 Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 692, *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 Henry Clay, for grading and graveling Second street and sidewalks, from West street to the Canal, 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 Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 629, *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 Freaney Brothers, for erecting one lamp-post, lamp and fixtures, to burn gas, except the service pipes, on Broadway street, between Lincoln avenue and Seventh 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, 9—viz: Aldermen Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor Tousey, and President Wright

NAYS—None.

The report of the Board of City Commissioners, in the matter of the vacation of the third alley east of East street, running from Merrill street to Stevens street, in Coffman's subdivision of Out-lot 101, in the City of Indianapolis, and the following resolution relative thereto, (see pages 692 and 693, *ante*), were read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the report of the Board of City Commissioners in the matter of the petition of W. F. Drinkert and others, praying for the vacation of the third alley east of East street, and running from Merrill street to Stevens street, be, and the same is hereby, in all things accepted, adopted and approved, and that said described alley be and the same is hereby vacated, provided that said petitioners pay to the County Treasurer, for the city, within twenty (20) days from the adoption of this resolution, the sum of \$48 00, being the cost of said Commissioners in this matter as benefits on account of said vacation; and that said petitioners have made out by the City Civil Engineer, filed by the City Clerk, and recorded in the Recorder's office of Marion county, Indiana, a plat of said alley herein vacated, and to procure from the City Clerk and have recorded in the Recorder's office of said county, a certified copy of this resolution; all to be at said petitioners' expense: *Provided, however,* that until said sum is paid, and such plat and certified copy of proceedings are recorded as aforesaid, said alley shall not be vacated.

And the favorable action of the Common Council thereon was concurred in, and the resolution concurrently adopted, by the following vote :

AYES, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The report from the Committee on Contracts (see pages 694, 695 and 696, *ante*), was read, and the action of the Common Council thereon concurred in.

The following contracts and bonds, (see page 696, *ante*), were read, and concurrently approved :

Contract and bond of Wm. F. Gansberg, for grading and graveling Koller street and sidewalks, from State street to Arsenal avenue.

Bond, \$1,500; surety, Fred. Gansberg.

Contract and bond of Wm. F. Gansberg, for grading and graveling Koller street and sidewalks, from Randolph street to State street.

Bond, \$2,000; surety, Fred. Gansberg.

Contract and bond of Wm. F. Gansberg, for grading and graveling Randolph street and sidewalks, from Koller street to Washington street.

Bond, \$3,000; surety, Fred. Gansberg.

Contract and bond of Fred. M. Snyder, for grading and paving with brick the east sidewalk of Peru street, from Davidson street to Massachusetts avenue.

Bond, \$900.00; surety, S. K. Fletcher.

Contract and bond of Joseph Bernauer, for grading and paving with brick the west sidewalk of Noble street, from Huron street to Virginia avenue.

Bond, \$400.00; surety, Robert Skelley.

Contract and bond of Fred. M. Snyder, for grading and paving with brick the sidewalks of Ninth (or William) street, from Tennessee street to Meridian street.

Bond, \$1,000; surety, S. K. Fletcher.

Contract and bond of R. P. Dunning, for grading and graveling the roadway, bowldering and curbing the gutters of Market street, from Pine street to the old corporate limits. Bond, \$2,000; surety, H. C. Roney.

The report of the Committee on Markets, awarding contracts for piping Tomlinson Hall, (see pages 696 and 697, *ante*), was read, and the action of the Common Council thereon concurred in.

The following motions (see pages 698, 700, 701 and 702, *ante*), were read and concurrently adopted:

That the Street Commissioner be, and is hereby, instructed to fill up the chuck-holes on west Washington street, from California street to White River bridge.

That the Street Commissioner be requested to have the cross-walks kept clean, from the depot to the corner of Market and Illinois streets; also, from Illinois street to the Court House, from Washington street to Ohio street, inclusive, for the next thirty days.

That E. Kattman be given permission to curb and bowlder the gutter in front of his property at No. 1 Buchanan street, at his own expense, under the direction of the City Civil Engineer.

That the Consumers' Gas Trust Company be, and is hereby, authorized to connect a fire gong in their office at the southeast corner of Market and Tennessee streets, with alarm-box No. 47, at the Park Theater corner, at their own expense, and under the direction of the Chief Fire Engineer.

That the Street Commissioner be ordered to lay double stone crossings on the south side of Ohio street across Noble street; also, double stone crossings on the south side of New York street across Noble street.

That the Street Commissioner be ordered to clean Market street, from Delaware street to Alabama street; to clean Alabama street, from Market street to Wabash street; also, Wabash street, from Alabama street to Delaware street.

That Fred. Deitz be allowed the privilege of grading, curbing and bowldering the gutters of Madison avenue in front of his property, and also to grade, curb and bowlder the gutters of Morris street, all at his own expense; and the City Civil Engineer is hereby directed to set the grade stakes for the above improvements.

That the City Civil Engineer be, and is hereby, ordered to prepare an ordinance for the extension of a brick sewer on north Pennsylvania street, from Home avenue to Seventh street. Such sewer to be paid for by the property holders along the line of the same.

That the City Attorney be ordered to cause the removal of the building lately erected on the East Market Square, by one Scott, if found to be there unlawfully.

The following resolution (see pages 698 and 699, *ante*), was read, and referred to the Committee on Streets and Alleys, Committee on Judiciary, and City Attorney :

WHEREAS, The Common Council and Board of Aldermen, pursuant to the provision of Section 3,195 of the Revised Statutes of the State of Indiana of 1881, are desirous to extend the corporate limits of the City of Indianapolis, so as to include certain platted ground; therefore

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the boundary lines of the City of Indianapolis be, and the same are hereby, extended so as to include the following contiguous territory, to-wit:

1st. All of William H. Morrison's Third Addition to the City of Indianapolis, lying north of Morrison street, as recorded in Plat Book 3, page 157, in the Recorder's office of Marion county, Indiana.

2d. All of Lazarus & Pierce's Meridian Place Addition to the City of Indianapolis, as recorded in Plat Book 8, page 192, in the Recorder's office of Marion county, Indiana.

3d. All of William A. Rhodes' North Illinois Street Addition to the City of Indianapolis, as recorded in Plat Book 9, page 25, in the Recorder's office of Marion county, Indiana.

4th. All of Pierson's North Meridian Street Addition to the City of Indianapolis, as recorded in Plat Book 9, page 2, in the Recorder's office of Marion county, Indiana.

5th. All of Central Park Addition to the City of Indianapolis, as recorded in Plat Book 6, page 142, in the Recorder's office of Marion county, Indiana.

6th. All of Ruddell & Vinton's Park Place Addition to the City of Indianapolis, as recorded in Plat Book 4, page 190, in Recorder's office of Marion county, Ind.

7th. All of Burton & Campbell's Park Place Addition to the City of Indianapolis, as recorded in Plat Book 3, page 196, in the Recorder's office of Marion county, Indiana.

8th. All of J. H. Ruddell's subdivision of Lots fifty-one (51) and sixty (60), of Burton & Campbell's Park Place Addition to the City of Indianapolis, as recorded in Plat Book 7, page 143, in the Recorder's office of Marion county, Indiana.

9th. All of the North Park Addition to the City of Indianapolis, as recorded in Plat Book 3, page 193, in the Recorder's office of Marion county, Indiana.

Which said lots and parcels of land above described, shall hereafter form a part of said city, and shall be within the jurisdiction of the same.

Resolved, further, That the City Clerk be, and he is hereby, directed to file a certified copy of the foregoing preamble and resolution, and the action of the Common Council and Board of Aldermen thereon, in the office of the Recorder of said county, who is authorized and directed to record the same.

President Wright presented the following communication from citizens in reference to the above resolution; which was referred with the resolution to the same committee:

Indianapolis, Ind., October 22, 1888.

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

Gentlemen:—We would respectfully represent that at a meeting of citizens of Indianapolis, held October ..., we were appointed to assume and discharge such duties as we might deem necessary and proper in conjunction with your honorable bodies, to protect the interests of the people in the matter of the entrance into the corporate limits of the city of the tracks of the Louisville, New Albany & Chicago Railroad Company, as contemplated in Ordinances Nos. 45 and 46, 1888, now pending on your rolls. By grace of the authority thus conferred upon us, we have the honor to report the following statement of facts, with such recommendations pertinent thereto as reflect the wishes of the people, conserve their interests and accord with the execution of a wise public policy.

Having duly organized our committee, to get a complete understanding of the interests involved in the said ordinances, or either of them, we visited the points of territory embraced in the contemplated improvements by the railroad company. We find the premises to be—

1. Some months ago F. W. Morrison, representing the Louisville, New Albany & Chicago Railroad Company, purchased certain bodies of real estate, to-wit: A right-of-way with adjacent territory for round-houses, etc, along the west side of the Lake Erie & Western Railroad tracks, between Howland's Junction and the corporate limits of the city; a large number of lots lying in the northeast angle of the junction of the Lake Erie and the Belt tracks; a tract of land—about thirty-five acres—penetrated by Fall Creek, at the intersection of Central avenue, and to be used for yards and transfer purposes.

2. That to make such lands available to the purposes for which they were purchased, the said Louisville, New Albany & Chicago Railroad Company, through and by its proper officers, represented and did propose, in so far as we were able to ascertain in their motives, to build a main line track from Howland's Junction in a south-westerly direction to or near the point at which College avenue touches Fall Creek, and thence along the south bank of the creek to or near the intersection of Meridian street; thence southwest through a populous and highly improved district suburban to the city, so as to connect with the tracks of what is popularly known as the "Big Four Railroad," at a point two squares south of the Indianapolis Work House. Also, to build a spur line from the proposed yards west of Central avenue to the proposed round-house almost directly east thereof. Also, a spur line from the said yards to the point at which the Lake Erie road joins the Belt. Also, such other tracks, switches and spurs as may be deemed necessary for the traffic of the road.

3. That by courtesy of the Committee on Railroads of the Common Council, we were enabled to confer with its members and with representatives of the said Louisville, New Albany & Chicago Railroad Company, at which conference the representatives of the railroad company defined their position to be that their enterprise had always been attended with hardship; that its line was now operated under the menace of a rival and powerful corporation which often inflicted severe penalties for such dependency; that it was now the desire and purpose of the Louisville, New Albany & Chicago Railroad Company to relieve itself from each and all of its old sources of hardship by constructing the lines contemplated in the said Ordinances No. 45 and 46; that the western entrance to the city was desired because of the increased trackage and superior manufacturing district, as compared with the east side of the city would afford; that the lines north of the city could be constructed without the consent of your honorable bodies; that the Goodman street connection with the Belt line was desired as a freight connection, and that the rights of such connection being granted, the Louisville, New Albany & Chicago Railroad Company would be relieved to an extent which would free it from dependency.

Against these propositions of the railroad company, our committee urged that the company either desired such an entrance into the city as would give it terminal facilities, or it wanted nothing; that the contemplated filling up of the vacant territory north of the city with tracks of the Louisville, New Albany & Chicago Railroad Company, would license and invite the Belt road to extend its tracks across what is now the only unobstructed outlet for vehicles from the city; that the character of

the use of the thoroughfares to be thus obstructed—being the only avenues to Crown Hill Cemetery, the common burying-ground of the city—would make the proposed railroad lines a painful and outrageous, as well as unnecessary hardship upon all the citizens of Indianapolis, and that there was neither right nor decency in the effort of the railroad company to relieve itself from burdens it had assumed of its own volition, by laying its ties and rails virtually upon graves which represent a large majority of the families of Indianapolis; that the territory to be thus occupied with tracks, was the only "open space" about our city out of which persons seeking pleasure or health could go without the menace of railroad crossings; that it was also in the line of private improvements, being adjacent to a supply of water for domestic uses and protection against fire, and being at the same time in a direction away from our outlet of sewerage; that the construction of such yards and tracks would foster the growth of dumping grounds for stock cars or private scavengers, as well as the location of factories which might be offensive, and that the enterprise was in every particular hostile to our municipal sanitary system and the logic of our growth as a city of homes, health and attractiveness.

At the same time a feeling of friendliness to the railroad company, as to all other enterprises, prevailed in our committee, and the representatives of the railroad urged our co-operation to procure such data and information as would enable your honorable body to determine upon what would be best for the railroad, in the way of extending facilities, while at the same time conserving the higher and more vital interests of the city and its citizens.

Subsequently, and by their appointment, our committee held a conference with other representatives of the road—the general officers of the company being at the time in the city, and having a delegate, their General Solicitor—at our meeting. Many suggestions were made and discussed. After the conference, and at the request of the railroad people, our committee appointed a sub-committee of three, to view the various possible routes into the city; our work to be done in conjunction with the officers of the road. Our sub-committee was instructed as follows:

Resolved, That it is the sense of this committee that the road ought to make its passenger and freight entrance first, over its present line coming into the city at a point in the northeast; second, if there should be any departure from this as to the entrance of passenger and freight trains, that when they should diverge from the present line at some point not south of Broad Ripple, and keep around between the river and the canal; or if on the east side of the canal, then as near the canal as possible; and in the event of such divergance, the present route from Howland's to Broad Ripple should be wholly abandoned, and the company should surrender all its claims to an entrance upon the Union tracks from the east; and

Resolved, That until the question of route into the city has been settled by the company, that the municipal authorities be asked to withhold all action on Ordinances Nos. 45 and 46, and especially on any ordinance granting any connection with the Belt Road, because such grants would be only dilatory and of uncertain purpose.

We were unable to devise any form of which the interests of the city could be protected if the Goodman street grant requested in Ordinance No. 45 was voted to the company, because with that grant made, the railroad would be absolved from "its dependency" not only to corporations of its kind, but also to the city, and could construct such lines as it saw fit in the territory beyond the northern limits of the city. To grant the Goodman street franchise, would be to locate the stub of a great railroad at a point where it could enjoy no terminal facilities, and the road so located would be a constant menace to all the property between such stub and the point at which its terminal might reasonably be located. Under the threatening menace of the spur's extension, no property owners who might fairly be expected to come within the influence of the road's future conduct, would dare to erect improvements, or to make other investments of a permanent character. Thus the property owners would be subject to a hardship for which the road were directly to blame, but for which it granted no compensation or relief.

These views we obtained from the citizens whose welfare is concerned, a great number of whom have memorialized your honorable bodies against granting any such

uncertain and pernicious rights as the company seeks in the ordinances, or either of them now before you. Our sub-committee accepted an invitation to act with the representatives of the road in locating a route that would be without material objections, the company declaring its abandonment of the efforts to come in under the ordinances before you, or either of them. Our sub-committee, which had been created at the request of the railroad people, met at the time and place named by the representatives of the road, and waited a long time, but in vain, for them to come, and they paid no attention to the engagement they had made, and have since then given this subject and our committee no consideration whatever.

4. In view of the foregoing, we have agreed unanimously to join as a committee in the prayers of the citizens heretofore addressed to your honorable bodies against granting the rights sought.

5. We would respectfully suggest the incorporation of such adjacent territory as will enable your honorable bodies to protect the interests and conserve the future welfare of our citizens against such efforts to anticipate your authority, as are reasonably to be expected from corporations or persons who are jealous of the rights and interests of our citizens, and desire to usurp them by processes akin to anticipation. We would also respectfully suggest that our corporate functions can not attain the scope that they should, to insure adequate protection to our great and diverse interests, under the present laws. It has occurred to us that it would be wise, in view of our great and rapid growth, to memorialize the Legislature for such legislation as will enable us hereafter to avoid such confusion of interests as has come about in the present case. Railroads which expect to enter cities having a population of say a hundred thousand, should be required to procure their rights of way through such cities before they should be allowed to construct any part of their lines in the county in which such city is located; and the condemnation of railroad property to the use of other railroads, should also be authorized where there are so many dependent interests as there are here, and where, consequently, great hardships must otherwise be experienced.

In presenting this report to you, we feel confident that we reflect the sentiment of a great majority of our citizens. We were diligent in procuring the views of the people, and know it is the general opinion that the Goodman street ordinance ought not to be passed until the passenger ingress of the road can at the same time be determined, and the whole question be finally settled; otherwise by the passage of the Goodman street ordinance, the public mind might be left in suspense and trouble for months and years.

SOLOMON CLAYPOOL,
JNO. A. KURTZ,
W. V. ROOKER,
M. J. OSGOOD.

SPECIAL ORDER.

The following entitled ordinance was taken up :

G. O. 44, 1888—An ordinance authorizing the construction, and regulating the operation and maintenance of incandescent electric lighting plants, in the City of Indianapolis.

Alderman Taylor moved that the action thereon be postponed until the next meeting.

Which motion was adopted.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Tousey offered the following motion; which was adopted:

That L. V. Boyle be, and is hereby, granted permission to grade and pave with brick the sidewalk alongside of his property on Lincoln avenue, between Broadway street and College avenue. Work to be done at his own expense, under the direction of the City Civil Engineer.

PENDING ORDINANCES.

The following entitled ordinance was read the third time :

S. O. 105, 1887—An ordinance to provide for grading and graveling the roadway, and paving with brick the sidewalks (where not already paved) of Beacon street, from Bloomington street to the Belt Railway tracks.

And it was passed by the following vote :

AYES, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following entitled ordinance was read the third time :

S. O. 106, 1887—An ordinance to provide for grading and graveling the roadway, and paving with brick the sidewalks of Decatur street, from Washington street to Beacon street.

And it was passed by the following vote :

AYES, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

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

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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following entitled ordinance (passed by the Common Council) was read the first time :

G. O. 47, 1888—An ordinance to provide for the issue and sale of one hundred and ten thousand dollars of bonds of the City of Indianapolis, for the purpose of funding bonded indebtedness.

On motion by Alderman Connett, the Rules were suspended for the purpose of placing the above entitled ordinance on its final passage, by the following vote :

AYES, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, and Tousey, and President Wright.

NAYS—None.

G. O. 47, 1888, was then read the second time.

Alderman Smith offered the following amendment; which was adopted:

Amend Section 1 of General Ordinance No. 47, 1888, by striking out of said Section 1 all after the ordaining clause, and substitute in lieu thereof the following words:

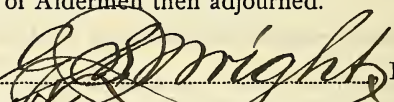
"That there shall be issued and sold One Hundred and Ten Thousand Dollars of coupon bonds of the City of Indianapolis, Indiana, in the denomination of one thousand dollars, to be dated January 1st, 1889, due in twenty years from said date, and payable at any time after ten years; bearing interest at the rate of four per centum per annum, payable semi-annually on the first days of January and July of each year; principal and interest to be paid at the bank of Wihslow, Lanier & Co., New York City, New York. The money derived from the sale of said bonds, shall be used exclusively in the payment and cancellation of one hundred and ten thousand dollars of the bonds of said city, dated January 1st, 1869, and due January 1st, 1889. The Mayor and City Clerk are hereby authorized to execute said bonds, and the Finance Committees of the Common Council and Board of Aldermen to sell the same."

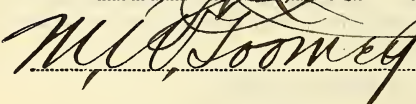
The ordinance was then ordered engrossed, read the third time and passed, as amended, by the following vote:

AYES, 9—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Tousey, and President Wright.

NAYS—None.

On motion, the Board of Aldermen then adjourned.


 _____, President.

Attest:  _____, Clerk.