

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—DECEMBER 24, 1888.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, Monday evening, December 24th, 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 December 10th, 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 herewith submit the following papers for your consideration, favorably passed upon by the Common Council at a regular session, held December 17th, 1888.

For the Common Council:

JNO. W. BOWLUS, City Clerk.

The report from the Committee on Contracts, awarding various contracts (see page 832, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report from the Committee on Contracts, in relation to the improvement of Michigan street (see page 832, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report from His Honor, the Mayor, showing the amount of fines and fees collected during the month of November, 1888, (see page 835, *ante*), was read and received.

The report of the City Civil Engineer, in relation to the extension of time to complete certain contracts (see page 836, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report of the City Civil Engineer, accompanied with estimates, (see pages 836 and 837, *ante*), was read, and the favorable action of the Common Council thereon, concurred in.

The following estimate resolution (see page 837, *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 Michael Flaberty, for grading and graveling Gresham street and sidewalks, from East street to Gray 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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 837, *ante*), was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimates in behalf of Fred M. Snyder, for grading and paving with brick, the east sidewalk of Peru avenue, from Davidson street to Massachusetts 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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

ABSENT—None.

The following estimate resolution (see page 838, *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 W. Hudson, for grading and graveling Orange avenue and sidewalks, from Hill avenue to Brookside 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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 838, *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 W. F. Gansberg, for grading and graveling Koller street and sidewalks, from State street to Arsenal 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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The following estimate resolution (see page 838, ante), was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying second and final estimate in behalf of The National Vulcanite Company, for grading and paving the roadway of Washington street with Filbert Vulcanite Asphaltic pavement, from the west line of Alabama street to the east line of Mississippi 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, 10—viz: Aldermen Clark, Connett, Laut, Rail, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

The report of the City Civil Engineer, submitting certain contracts and bonds (see pages 838 and 839, ante), was read, and the action of the Common Council thereon, concurred therein.

The following report of the City Clerk (see page 839, 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 precepts, to-wit:

Robt. Kennington vs. Indianapolis Water Co. (or unknown parties), for.....	\$13 50
Robt. Kennington vs. A. R. Fahle.....	24 00

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

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

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

NAYS—None.

The report of S. Loftin, Treasurer for the City, showing the receipts and expenditures for the month of November, (see pages 840 and 841, ante), was read and received.

The following resolution (see page 843, ante), was read :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Mayor and Committees on Finance of the Common Council and Board of Aldermen be, and they are hereby authorized and instructed, to make a temporary loan in the name and behalf of said city, in anticipation of the current year's revenues, of the sum of one hundred thousand dollars (\$100,000); said loan to date January 1, 1889, and to run for one year from said date, with interest at a rate not exceeding six (6) per cent per annum. The resolution heretofore passed authorizing said loan is hereby repealed.

Resolved further, That the Mayor and City Clerk be, and they are hereby authorized to execute the obligations of the city to be given for the loan above provided for, in the name and on behalf of said city; and for the payment of any such obligations so given, the faith of the City of Indianapolis is hereby irrevocably pledged.

And it was concurrently adopted, by the following vote :

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

NAYS—None.

The report from the Committee on Judiciary (see page 844, *ante*), was read and concurred in, except the first clause, which was referred to the Committee on Railroads.

The report from the Committee on Public Charity (see page 846, *ante*), was read, and the action of the Common Council thereon, concurred in.

The report from the Committee on Public Property, for work done in Garfield Park, (see page 849, *ante*), was read, and the action of the Common Council thereon, concurred in.

The following report from the Committee on Railroads (see page 846, *ante*), was read :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Committee on Railroads would recommend the adoption of the following resolution :

Resolved, That the Citizens' Street Car Company be, and are hereby ordered, to remove the tracks on north Noble street, between Michigan street and Massachusetts avenue, or run cars over the same within ten days; and the City Clerk is hereby instructed to so notify said company of the passage of this resolution.

Respectfully submitted,

C. F. Darnell,
D. F. Swain,
Fred. W. Gaul,
Committee on Railroads.

And the resolution concurrently adopted, by the following vote :

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

NAYS—None.

The following report from the Committee on Railroads (see page 846, *ante*), was read :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—Your Committee on Railroads, to whom the following resolution was referred, recommend its adoption :

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Citizens' Street Railroad Company be and it hereby is ordered to run its cars on the English Avenue and Irvinton Line not farther apart than one car every fifteen (15) minutes, said cars to run out as far as the east city limits on this schedule, and to begin running at six o'clock a. m., and run until ten o'clock p. m.,

of every day, except Sundays. This schedule shall go into effect within ten (10) days from the service on said company of a certified copy of this resolution.

The City Clerk is hereby ordered to prepare and serve on said company a certified copy of this resolution. Respectfully submitted,

C. F. Darnell,
Fred. W. Gaul,
D. F. Swain,
Committee on Railroads.

And the resolution concurrently adopted, by the following vote :

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

NAYS—None.

The report from the Committee on Streets and Alleys, in relation to the opening and extension of the first alley north of the I., B. & W. Railway, (see page 847, *ante*), was read, and referred to the Committee on Streets and Alleys.

The report from the Committee on Streets and Alleys, in relation to various matters referred thereto, (see pages 848 and 849, *ante*), was read, and the action of the Common Council thereon, concurred in.

The petition and plat of Minturns' North Addition to the City of Indianapolis (see page 851, *ante*), was read, and the plat concurrently approved.

The following motions (see pages 851, 852, 853, 854, 855 and 856, *ante*), were read and concurrently adopted :

That the City Attorney be instructed to compel the owner of the sign, in front of 60 east Washington street, to remove the same at once; and that the motion heretofore adopted, instructing the said attorney not to compel the removal of the same, be repealed.

That the Street Commissioner be and is hereby directed to repair the foot-bridge on corner West street and McCarty street.

That the Street Commissioner be and is hereby directed to repair the foot-bridges on corner West street and Merrill street.

That the Street Commissioner be directed to put a double stone crossing beginning at the intersection of the northwest corner of Maryland street and Virginia avenue to the northwest corner of Delaware street and Virginia avenue.

That the Street Commissioner be, and is hereby directed, to white-wash the tunnel, also to repair the iron fences and base stone around the approaches, and if thought advisable to erect roofs over the sidewalk entrances to the tunnel

All of said work to be done under the direction of the City Civil Engineer.

That the Street Commissioner be, and is hereby ordered and directed, to repair the bridge over the C. I. St. L. & C. R. R. track on Concordia street.

That the Street Commissioner be, and is hereby, ordered and directed to plank the crossing of the C. I. St. L. & C. R. R. track on the first alley south of Bates street, between Dillon and Leota street, and to collect the expense for the same from the Cincinnati, Indianapolis, St. Louis & Chicago Railroad Company.

That the Street Commissioner be, and is hereby, instructed to clean the gutters of English avenue from Harrison to Dillon streets.

That the Street Commissioner be and hereby is directed to make the street crossing passable on the east side of Meridian at Seventh, east side of Pennsylvania street at Seventh, and east side of Delaware street at Seventh.

The following motion (see page 854, *ante*), was read and received :

That the Board of Alderman be requested to amend the three Vulcanite Ordinances, known as the Mississippi, Tennessee and Ohio streets around the State house, so that all the various kinds of pavements, so that this Council may be allowed to concur in said amendments.

The following motion (see page 855, *ante*), was read, and referred to the Committee on Streets and Alleys :

That George Kesler be given permission to lay a brick driveway across the sidewalk at 119 West Washington, at his own expense, under the direction of the city engineer.

The proposal of Freaney Bros. for the erection of various lamp-posts, (see page 853, *ante*), was read, and the action of the Common Council thereon, was concurred in.

The following contracts and bonds (see pages 853 and 854, *ante*), were read and concurrently approved :

Contract and bond of Freaney Bros., for the erection of lamp-posts, lamps and fixtures (complete to burn gas except the service pipes) on Patterson street, between Vermont and North streets. Bond \$100; surety, J. F. Holt.

Contract and bond of Freaney Bros., for the erection of lamp posts, lamps and fixtures (complete to burn gas except the service pipes) on Vermont street, between Agnes and Patterson streets. Bond \$100; surety, J. F. Holt.

Contract and bond of Freaney Bros., for the erection of lamp posts, lamps and fixtures (complete to burn gas except the service pipes) on Fletcher avenue, between Linden and Spruce streets. Bond \$100; surety, J. F. Holt.

Contract and bond of Freaney Bros., for the erection of lamp posts, lamps and fixtures (complete to burn gas except the service pipes) on Hoyt avenue, between Linden and Spruce streets. Bond \$100; surety, J. F. Holt.

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

Ap. O. 75, 1888—An ordinance appropriating the sum of sixty two thousand three hundred and ninety-four dollars and twenty five cents (\$62,394.25.) to pay the interest on bonds due January 1st, 1889.

On motion by Alderman Smith, the Rules were suspended for the purpose of placing the above entitled ordinance—Ap. O. 75, 1888—on its final passage, by the following vote :

AYES, 8—viz: Aldermen Clark, Connett, Reinecke, Reynolds, Smith, Taylor, Tousey, and President Wright.

NAYS—None.

Ap. O. 75, 1888, was then read the second and third times and passed, by the following vote :

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

NAYS—None.

G. O. 57, 1888—An ordinance authorizing the Louisville, New Albany & Chicago Railroad Company to construct certain tracks within the limits of the City of Indianapolis.

Alderman Reynolds moved that the foregoing entitled ordinance be referred to the Committee on Railroads, City Attorney and City Civil Engineer.

Alderman Rail moved that the motion be laid on the table.

Which motion was adopted, by the following vote :

AYES, 7—viz: Aldermen Clark, Connett, Rail, Reinecke, Smith, Taylor, and Tousey.

NAYS, 3—viz: Aldermen Laut, Reynolds, and President Wright.

Alderman Connett moved that the Rules be suspended for the purpose of placing the foregoing entitled ordinance—G. O. 57, 1888—on its final passage.

Which motion was adopted, by the following vote :

AYES, 7—viz: Aldermen Clark, Connett, Rail, Reinecke, Smith, Taylor, and Tousey.

NAYS, 3—viz: Aldermen Laut, Reynolds, and President Wright.

G. O. 57, 1888, was then read the second time.

President Wright offered the following amendment :

Amend Section one by adding—

Provided, however, That said railroad company shall not at any time lay or construct any track west of the Massachusetts avenue Railway Station, as now erected.

Which amendment failed of adoption, by the following vote :

AYES, 5—viz: Aldermen Clark, Laut, Reynolds, Taylor, and President Wright.

NAYS, 5—viz: Aldermen Connett, Rail, Reinecke, Smith, and Tousey.

Alderman Taylor offered the following amendment :

Amend Section five of G. O. 57, 1888, by adding thereto the following proviso :

Provided, That the route to be followed shall be that is indicated on the plat accompanying said ordinance, which plat is made a part of this ordinance.

Which amendment failed of adoption, by the following vote :

AYES, 4—viz: Aldermen Laut, Reynolds, Taylor, and President Wright.

NAYS, 6—viz: Aldermen Clark, Connett, Rail, Reinecke, Smith, and Tousey.

Alderman Reynolds offered the following amendment :

Amend Section five of G. O. 57, 1888, by adding thereto the following proviso :

Provided, That as a condition precedent to the passage hereof, and before its rights are accepted by said company, or the track be laid, said company shall pay or tender to each of the owners of real estate fronting on said proposed right-of-way, the damages that shall be assessed in the manner the Statutes of Indiana provide in the case of the appropriation of land for railroad purposes.

Which amendment was adopted, by the following vote .

AYES, 6—viz: Aldermen Clark, Laut, Reinecke, Reynolds, Taylor, and President Wright.

NAYS, 4—viz: Aldermen Connett, Rail, Smith, and Tousey.

Alderman Reinecke moved that the vote just taken on the adoption of the foregoing amendment, be reconsidered.

Alderman Laut moved to lay the motion to reconsider, on the table.

Which motion failed of adoption, by the following vote :

AYES, 5—viz: Aldermen Clark, Laut, Reynolds, Taylor, and President Wright.

NAYS, 5—viz: Aldermen Connett, Rail, Reinecke, Smith, and Tousey.

The above motion offered by Alderman Reinecke, to reconsider the vote on the adoption of the amendment offered by Alderman Reynolds, then failed of adoption, by the following vote :

AYES, 5—viz: Aldermen Connett, Rail, Reinecke, Smith, and Tousey.

NAYS, 5—viz: Aldermen Clark, Laut, Reynolds, Taylor, and President Wright.

Alderman Laut moved that the Board of Aldermen do now adjourn.

Which motion failed of adoption, by the following vote :

AYES, 3—viz: Aldermen Laut, Reynolds, and President Wright.

NAYS, 7—viz: Aldermen Clark, Connett, Rail, Reinecke, Smith, Taylor, and Tousey.

Alderman Connett offered the following amendment :

Strike out all of Section five after the words expenses incurred therein.

Alderman Rail having been called to the Chair by the President, and was presiding at the time the above amendment was offered by Alderman Connett, declared said amendment out of order, for reasons then stated by the Chair.

Whereupon Alderman Connett appealed from the decision of the Chair.

President Wright then resumed the Chair, and stated: The question being "Shall the decision of the Chair stand as the decision of the Board of Aldermen?"

The ayes and nays being demanded, the following vote was had :

AYES, 5—viz: Aldermen Laut, Rail, Reynolds, Taylor, and President Wright.

NAYS, 5—viz: Alderman Clark, Connett, Reinecke, Smith, and Tousey.

Whereupon the President declared that as the result of the ballot was a tie vote, the decision of the Chair was sustained.

Alderman Laut moved that the Board of Aldermen do now adjourn.

Which motion failed of adoption, by the following vote :

AYES, 3—viz: Aldermen Laut, Reynolds, and President Wright.

NAYS, 7—viz: Aldermen Clark, Connett, Rail, Reinecke, Smith, Taylor, and Tousey.

The following entitled ordinance, as amended, was then read the third time :

G. O. 57, 1888—An ordinance authorizing the Louisville, New Albany & Chicago Railway Company to construct certain tracks within the limits of the City of Indianapolis.

The question then being, " Shall the ordinance pass?" the following vote was had :

AYES, 1—viz: Alderman Clark.

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

So said ordinance failed to pass.

Whereupon Alderman Connett gave notice that at the next meeting of the Board of Aldermen, he would move to reconsider the vote just had, by which G. O. 57, 1888, failed to pass.

On motion, the Board of Aldermen then adjourned, at 10:20 o'clock, P. M.

G. S. Wright, President.

Attest: *M. C. Tousey*, Clerk.