

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JANUARY 13, 1890.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, January 13th, A. D. 1890, at 7:30 o'clock, in regular session.

PRESENT—Hon. Isaac Thalman, President of the Board of Aldermen, in the Chair, and Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, and Smither—9.

ABSENT, 1—viz: Alderman Clark.

The Proceedings of the Board of Aldermen for the regular sessions held December 23d, 1889, and January 6th, 1890, 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 :

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 6th, 1890.

For the Common Council:

E. B. SWIFT, City Clerk.

The report of ex-Mayor Denny, showing collection of fines and fees during his term of office, (see page 7, *ante*), was read and received.

The annual report of the City Attorney (see page 9, *ante*), was read and received.

The following report of the City Clerk (see page 16, *ante*), was read :

To the Mayor, Common Council and Board of Aldermen :

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

R. P. Dunning vs. J. V. McKernan, for... ..\$46 08

Respectfully submitted,

E. B. SWIFT, 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, 6—viz: Aldermen Blackwell, Breunig, Laut, Smith, Smither, and President Thalman.

NAYS—None.

The report from the City Clerk, (see page 16, *ante*), in relation to the acceptance of G. O. 60, 1889, was read and received.

The following report from the City Clerk (see page 16, *ante*), was read, and referred to the Committee on Office Fixtures and Supplies, to act in conjunction with the Committee of the Common Council:

To the Mayor, Common Council and Board of Aldermen:

Gentlemen:—I desire to inform you that my office room is entirely inadequate for the proper storage of the records and files, and would therefore ask that some arrangements be made by which I may secure Room No. 6, adjoining the City Clerk's office, which formerly belonged to said office.

Respectfully submitted,

E. B. SWIFT, City Clerk.

The report of the City Civil Engineer, accompanied with estimates, (see page 10, *ante*), was read, and the favorable action of the Common Council thereon, concurred in.

The following estimate resolution (see page 10, *ante*), was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Geo. W. S. McCray, for grading and graveling Pratt street and sidewalks, from Fayette street to West 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, 8—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Smith, Smither, and President Thalman.

NAYS—None.

The following estimate resolution (see page 10, *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 Fisher & Roney, for grading and graveling Nevada street and sidewalks, from Hillside avenue to Sheldon 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, 8—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Smith, Smither, and President Thalman.

NAYS—None.

The following estimate resolution (see page 11, *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 three lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes,) on South Arsenal avenue, between Washington street and the C. St. L. & P. R. R. tracks, 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, 8—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Smith, Smither, and President Thalman.

NAYS—None.

The report of the Committee on Streets and Alleys (see page 20, *ante*), was read and received.

The following estimate resolution (see pages 19 and 20, *ante*), was read :

ESTIMATE RESOLUTION.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Indiana, That the report of the Committee on Streets and Alleys of the Common Council, recommending that the final estimate made by the City Civil Engineer in favor of Robert Kennington, contractor, for the grading and graveling of Morton street and sidewalks, from East street to Gray street, pursuant to Special Ordinance No. 71, 1889, be, and the same is hereby, approved.

That the assessments set forth in said final estimate, are hereby approved and confirmed; and there is hereby assessed against the several lots and parcels of ground, as described in said final estimate, the several amounts set opposite and assessed against said several lots and parcels of ground respectively, for and on account of said improvement.

The County Auditor is hereby directed to place said assessments upon the city tax duplicate, and to charge the same respectively against the several lots and parcels of ground against which they have been so assessed, as follows, to-wit: Ten per cent. for each successive year for ten years, together with interest on the several amounts so assessed, at six per cent. per annum, payable semi-annually, calculated from the date of the approval of this estimate until the several amounts fall due: The first ten per cent. of said assessments, with interest on the whole from the date of the approval of this estimate shall be due and payable on the third Monday in April, 1890; the semi-annual interest on the unpaid balance shall be due and payable thereafter at the dates of the semi-annual payment of city taxes in each year; and on the first Monday in November in each year thereafter, one-tenth of the principal of said assessment, together with the semi-annual interest on the unpaid balance, shall be due and payable, until all is paid.

Provided, however, That the above provision for placing said assessments upon the city tax duplicate, and collecting the same successively in annual and semi-annual installments of principal and interest respectively, shall apply only to the owner or owners of said lots or parcels of ground who, prior to the final adoption and approval of this estimate, shall have promised and agreed, in writing, filed with the City Clerk of this city, that, in consideration of having the right to pay his or their assessment or respective assessments in installments, they will not make any objection to the illegality or irregularity as to their respective assessments, and will pay the same, with interest thereon, not exceeding six per cent., as shall by ordinance or resolution of the Common Council and Board of Aldermen be prescribed and required.

That said assessments, together with interest thereon, shall, from the date of the approval of this estimate, be a lien upon the several lots and parcels of ground against which they are assessed respectively, to the same extent that taxes are a lien upon such property; and the said assessments, when placed upon the city tax duplicate, shall be collected in the same way that city taxes are collected; all said assessments not so placed upon the city tax duplicate, to be collected in annual and semi-annual installments, pursuant to the above proviso, shall be at once due and payable, and shall be collected by precept and sale, as now provided by law.

The proceeds from such assessments as are placed on the city tax duplicate, shall constitute a special fund for the payment of the costs of said improvement and of the bonds and certificates to be issued therefor, and for no other purpose.

And it was concurrently adopted, by the following vote :

AYES.—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Smith, Smither, and President Thalman.

NAYS—None.

A communication from the City Treasurer (see page 17, *ante*), was read and received.

The following motion (see page 25, *ante*), was read, and referred to the Committee on Printing and Office Fixtures and Supplies :

That the City Clerk be instructed to provide each new member of this body with a copy charter and ordinances of the City of Indianapolis.

The following motions (see page 26, *ante*), were read and concurrently adopted :

That the Committee on Office Fixtures and Supplies be, and are hereby, instructed to have the Mayor's office repaired and arranged as per direction of the Mayor,

That Street Commissioner Derk DeRuitter be, and is hereby, ordered to submit to the Common Council of the City of Indianapolis, on or before January 20th, 1890, an itemized statement of all moneys received and disbursed by him as such Street Commissioner, from January 1st, 1889, to January 1st, 1890.

The following resolution (see page 26, *ante*), was read, and referred to the Committee on Water and Public Health :

WHEREAS, A petition having been presented to the Common Council and Board of Aldermen November 18, 1889, asking for a water plug and attachments for sprinkling purposes on Massachusetts avenue, north of the Bee-Line Depot, and near the corner of Peru street and Massachusetts avenue; and whereas, the said petition was referred to the Committee on Water, and said Committee failing to report on the same in time for action by the Common Council; therefore

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Indianapolis Water Company be, and are hereby, ordered to place a water plug with attachments and connections sufficient for supplying sprinkling carts with water—at the expense of the parties deriving the benefit therefrom—on Massachusetts avenue, north of the Bee-Line Depot, and near the corner of Peru street and Massachusetts avenue, under directions of the City Civil Engineer.

The following resolution (see page 22, *ante*), was read :

DECLARATORY RESOLUTION.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve the roadway of Madison avenue, from Delaware street to the J., M. & L. Railway tracks, by widening the sidewalks, curbing the gutters thereof, and paving the roadway with Filbert Vulcanite Asphaltic Pavement, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvements shall be assessed per lineal foot upon the real estate abutting on said Madison avenue, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis, and except such proportion thereof as eighteen (18) feet bears to the whole width of the roadway, which proportion is to be charged to the Citizens' Street Railroad Company.) Said assessments, if deferred, to be paid in annual installments. A bond or bonds shall be issued in anticipation of the col-

lection of said assessments, unless the property owners pay said assessments before said bond or bonds are issued, all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

And the City Clerk be, and he is hereby, ordered to give the required legal notice to property owners along the line of said proposed improvement, of the time and place when and where objections can be made to the necessity of such improvement

And it was concurrently adopted by the following vote :

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reihecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

The following resolution (see page 23, *ante*), was read :

DECLARATORY RESOLUTION.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve the roadway of Coburn street, from the east line of Madison avenue to the west line of East street, by widening the sidewalks and curbing the outer edges thereof, and paving the roadway thereof with Filbert Vulcanite Asphaltic Pavement, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvement shall be assessed per lineal foot upon the real estate abutting on said Coburn street, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis.) Said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued in anticipation of the collection of said assessments, unless the property owners pay said assessments before said bond or bonds are issued, all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

And the City Clerk be, and he is hereby, ordered to give the required legal notice to property owners along the line of said proposed improvement, of the time and place, when and where objections can be made to the necessity for such improvement.

And it was concurrently adopted, by the following vote :

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

The following resolution (see page 23, *ante*), was read :

DECLARATORY RESOLUTION.

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, Ind., That it is deemed necessary to improve the roadway of Delaware street, from the south line of Merrill street to the north line of Madison avenue, by widening the sidewalks, curbing the gutters thereof, and paving the roadway with Filbert Vulcanite Asphaltic Pavement, in accordance with profile and specifications on file in the office of the City Civil Engineer. The total cost of said improvements shall be assessed per lineal foot upon the real estate abutting upon said Delaware street, (except the proportion thereof occupied by street and alley crossings, which shall be assessed against the City of Indianapolis; and except such proportion thereof as eight-een (18) feet bears to the whole width of the roadway, which proportion is to be charged to the Citizens' Street Railroad Company.) Said assessments, if deferred, to be paid in ten annual installments. A bond or bonds shall be issued in anticipation of the collection of said assessments, unless the property owners pay said assessments before the said bond or bonds are issued; all as provided for in an Act of the General Assembly of Indiana, approved March 8, 1889.

And the City Clerk be, and he is hereby, ordered to give the required legal notice to property owners along the line of said proposed improvement, of the time and place when and where objections can be made to the necessity of such improvement.

And it was concurrently adopted by the following vote:

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

APPROPRIATION ORDINANCES.

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

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

Ap. O. 1, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$863.86.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

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

Ap. O. 2, 1890—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, \$1,910.10.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

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

Ap. O. 3, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$8,293.72.]

And it was passed by the following vote:

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

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

Ap. O. 4, 1890—An ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station House. [Amount appropriated, \$209.75.]

And it was passed by the following vote :

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

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

Ap. O. 5, 1890—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, \$12,475.33.]

And it was passed by the following vote :

AYES, 9—viz: Aldermen Blackwell, Breunig, Farrell, Laut, Reinecke, Reynolds, Smith, Smither, and President Thalman.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

Alderman Farrell, of the Committee on Streets and Alleys and Sewers and Drainage, made a verbal report on the following resolution that was referred to the Committee (see page 30, *ante*), at the last meeting of the Board :

Resolved, That the vote by which the following resolution was adopted at the last meeting of the Common Council, be reconsidered :

“Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the accompanying first and final estimate in behalf of Fulmer, Cooper & Co., for grading and improving the roadway with broken stone, of Pine street, re-setting the curb, and placing a gutter-stone in the gutters thereof, from Market street to North 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.”

On motion by Alderman Breunig, the resolution was withdrawn from the Committee.

Alderman Smith moved to non concur in the action of the Common Council in reconsidering the vote by which the resolution was approved.

Which motion was adopted by the following vote :

AYES, 5—viz: Aldermen Breunig, Reynolds, Smith, Smither, and President Thalman.

AYES, 4—viz: Aldermen Blackwell, Farrell, Laut, and Reinecke.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Blackwell offered the following resolution, which was referred to the Committee on Judiciary and Ordinances:

Resolved, That the City Attorney be instructed to bring suit against the Indianapolis Natural Gas Company for violating Section 11 of the Natural Gas Ordinance, which reads: "That where any company or corporation furnishes gas at a less price than the ordinance rates, they shall not increase the price as fixed by them for a period of three years, and then only by and with the consent of the Council and Board of Aldermen;" and that if they do increase, or attempt to increase the price fixed by them, they are liable to a penalty of one hundred dollars.

Alderman Smith offered the following motion; which was adopted:

That the Committee on Rules be instructed to report, at an early day, a code of Rules for the government of this body; and that until such Committee reports and Rules be adopted, this Board be governed by the Rules of the former Board.

On motion, the Board of Aldermen then adjourned.

Isaac Shulman President.

Attest: A. Perrott, Clerk.