

# PROCEEDINGS OF BOARD OF ALDERMEN.

ADJOURNED SESSION—SEPTEMBER 2', 1878.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, September 24th, A. D. 1878, at half-past seven o'clock, pursuant to adjournment.

**PRESENT**—His Honor, the President, Wm. D. Wiles, in the Chair, and Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and Snider—9.

**ABSENT**—Alderman Stratford—1.

The Proceedings of the Board of Aldermen, for the adjourned session, held on July 30th, and for the regular session, held on August 6th, 1878, having been printed, and placed on the desks of the Aldermen, said proceedings were duly approved as published.

## MESSAGE AND PAPERS FROM THE COMMON COUNCIL.

The following message from the Common Council was duly read :

*Gentlemen*:—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its regular session, held last evening (August 5th, 1878), for your action upon same.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

Report from the Council Committee on Contracts, giving abstracts of proposals, and recommending that contracts be awarded as below, was read :

- 1st. To Henry C. Roney, for building a fire-cistern of 2,500 barrels capacity, at 32 cents per barrel.
- 2d. To R. P. Dunning, for grading and bowldering Georgia street, from Meridian street to Illinois street, at \$1.19 per lineal foot front on each side.
- 3d. To R. P. Dunning, for grading and bowldering South street, and curbing the sidewalks thereof, from Meridian street to Pennsylvania street, at \$1.17 per lineal foot front on each side for grading and bowldering, and at 33 cents per lineal foot front on each side for grading and curbing.

- 4th. To R. P. Dunning, for improving McCarty street, from Delaware street to East street, by bowldering the gutters, and paving with brick and curbing with stone the sidewalks thereof, at 28 cents per lineal foot front on each side for bowldering, at 33 cents per lineal foot front on each side for curbing, and at 26½ cents per lineal foot front on each side for paving.
- 5th. To John Low, for improving the first alley south of Vermont street, from Columbia street to West street, at 12 cents per lineal foot front on each side.

And the action of the Common Council, in awarding the several contracts, as recommended [see pages 457 to 459, *ante*], was duly concurred in.

The following contracts and bonds [which had been duly approved by the Common Council—see page 459, *ante*], were then submitted, and the same were, on motion, duly approved, viz. :

Contract and bond of Henry C. Roney, for building fire-cistern awarded above. Penalty of bond, \$1,500; surety, Charles S. Roney.

Contracts and bonds (three in number) of R. P. Dunning, for making the improvements awarded above. Penalties of bonds, \$1,000, \$1,500, and \$2,000; surety on each bond, Albert R. Baker.

Report from same Council committee, stating that only one proposal had been submitted for building the foot-bridge over the I., C. & L. Railroad tracks, at the crossing of Benton street; that they believed said bid is too high; reporting adversely to awarding the contract; and recommending that the Street Commissioner be directed to build said bridge, under the direction of the Board of Public Improvements and the City Civil Engineer, and that expense of same be charged to the Bridge Account [see page 459, *ante*], was read; and the action of the Common Council, in concurring in such recommendations, was duly approved, by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

The following report from the (joint) Committees on Bridges and the City Attorney was then read :

*Indianapolis, September 23, 1878.*

To the Mayor and Members of the Common Council and Board of Aldermen :

*Gentlemen* :—Your Committees on Bridges and City Attorney, to whom was referred the communication of Messrs. Gibson & Co., in relation to the bridge over their mill-race, would report that we have had the matter under advisement, and have investigated the matter somewhat, and find that the parties who built the mills in 1860 constructed the race across the street, without any leave or license from the city, and built the first bridge across the same; that it was kept in repair, partly by the parties and partly by the city; that a few years since Messrs. Gibson widened the race across the street and extended the bridge, without any license from the city.

Your committee are of the opinion that there is no obligation upon the city to

keep up the bridge, or to repair the same; while Messrs. Gibson & Co. insist that they will not do so, but will abandon the water-power and use steam.

We are of the opinion that the question as to whose duty it is to keep up said bridge should be settled at this time, and we therefore recommend that the Council adhere to its former action, and that the Engineer be instructed to notify Messrs. Gibson & Co. and The Water-Works Company of Indianapolis, that if said bridge is not repaired, to the satisfaction of the City Engineer, and in such a manner as to make it safe for travel over it within fifteen days, the city will proceed to fill up said race; and that if said parties shall fail to repair the bridge within said time, that the Street Commissioner, under the direction of the Engineer, proceed to fill up said race.

Respectfully submitted,

THOS. J. MORSE,  
MARTIN MCGINTY,  
HENRY BERMAN, N,  
J. M. RIDENOUR,  
D. MUSSMANN,  
Committees on Bridges.

R. O. HAWKINS, City Attorney.

And the action of the Common Council, in concurring in above report [see page 462, *ante*], was duly approved.

Reports from Council Committee on Gas-Light [see page 463, *ante*], recommending the adoption of the following Council motions:

*Moved*, That the City Civil Engineer be directed to have removed the two lamp-posts on West street, between New York and Vermont streets, to the alley crossing West street, between New York and Vermont streets.

*Moved*, That the lamp-post on the west side of North Illinois street, between Pratt and St. Joseph streets, be ordered to be moved from where it now is to the corner of the alley, so as to light said alley.

Were read, and the action of the Common Council, in concurring in such recommendations, was duly approved.

Report from Council Judiciary Committee and the City Attorney, transmitting the petition of Stoughton J. Fletcher, for the vacation of Arsenal Park Addition and the proofs of posting and publication, together with such petition and proofs [see pages 463 and 464, *ante*], were read, and were duly received.

The following concurrent resolution [which had been duly adopted by the Common Council—see page 464, *ante*] was then read:

*Be it Resolved by the Common Council and Board of Aldermen of the City of Indianapolis*, That the plat of the Addition or Subdivision, known as "Arsenal Park Addition," in said city, and owned by Stoughton J. Fletcher, together with all the streets and alleys laid out or platted in said Addition, be, and the same are hereby, declared vacated.

And was duly adopted by the following vote:

**AYES**, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

**NAYS**—None.

The following Council motions were read, and were severally adopted :

*Moved*, That W. H. H. Johnson be permitted to move a one-story frame house (26x32 feet), from No. 65 E McCarty street to No. 493 S. Illinois street—a distance of three squares.

*Moved*, That Samuel Hanway be permitted to pave with brick the sidewalk, and boulder the gutter, in front of his property at northwest corner of College avenue and Butler street, at his own expense, under the direction of the City Civil Engineer.

*Moved*, That Windle Gardner be granted permission to bridge the gutter (fourteen feet in length) in front of his business house, No. 247 Indiana avenue, under direction of City Civil Engineer.

The following Council motion, which said body had referred to the Committee on Gas-Light, with power to act, was read, and aforesaid reference and power were duly confirmed :

*Moved*, That the Committee on Gas-Light be directed to light two of the five lamps on West street, south of McCarty street—namely, one at the intersection of Macauley and West streets, and the other lamp near Henry Slusher's business place.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 460 and 461, *ante*], were severally read the first time :

- S. O. 45, 1878—An Ordinance to provide for the improvement of the south sidewalk of Michigan street, from Meridian street to Pennsylvania street, by grading, and paving the same with brick.
- S. O. 46, 1878—An Ordinance to provide for improving the alley between Delaware and Pennsylvania streets, from Home avenue to King street, by grading and graveling.
- S. O. 47, 1878—An Ordinance to provide for improving the first alley south of Elizabeth street, from Blake street to Douglass street, by grading and graveling.

On Alderman Foster's motion, the rules were suspended, for the purpose of now reading the foregoing entitled ordinances the second and third times, and placing same on their passage, by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

- S. O. 45, 1878—An Ordinance to provide for the improvement of the south sidewalk of Michigan street, from Meridian street to Pennsylvania street, by grading, and paving the same with brick.

And was passed by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

S. O. 46, 1878—An ordinance to provide for improving the alley between Delaware and Pennsylvania streets, from Home avenue to King street, by grading and graveling.

And was passed by the following vote :

AYES 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

S. O. 47, 1878—An Ordinance to provide for improving the first alley south of Elizabeth street, from Blake street to Douglass street, by grading and graveling.

And was passed by the following vote :

AYES, 9—viz.: Aldermen Chandler, Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

#### NEW BUSINESS.

The City Treasurer submitted the following report; which was duly received :

*Indianapolis, September 24, 1878.*

To the Board of Aldermen of the City of Indianapolis:

*Gentlemen* :—In compliance with your order of the 3d inst., I would respectfully make the following statement of the amount of fees collected by me from September 3d, 1877, to September 3d, 1878:

Amount of costs received for making Tax Certificates and Deeds.....	\$709 00
Less extra help—paid C. S. Wright for making certificates and registering same .....	240 00
	<u>\$469 00</u>
Net amount of costs received in the collection of Delinquent Taxes.....	229 85
Amount of costs received on account of Precepts .....	218 73
Total.....	<u>\$917 58</u>

Very respectfully,

WM. M. WILES, City Treasurer.

The City Attorney submitted the following reports; which were duly received:

*Indianapolis*, September 24, 1878.

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

*Gentlemen*:—In response to the resolution adopted by your honorable body on September 3d, directing myself and other city officials to report the amount of fees collected during the year, from August 1, 1877, to August 1, 1878, I would report that the fees collected by me during said time amount to \$1,855.94.

I would say, however, that this does not in any way represent the amount actually received by me, for the reason that from it I was compelled to pay a deputy, who is constantly engaged in attending to the prosecutions in the Mayor's Court, the other duties devolving upon the City Attorney making it impossible for him to attend to the business of the City Court.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

---

*Indianapolis*, September 24, 1878.

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

*Gentlemen*:—I was instructed by your honorable body to report as to the liability of E. B. Martindale to the city, for the amount of the judgment of Dr. Gaston, paid by the city, and would report that I am of the opinion that Judge Martindale is liable, if the tree was cut down by him, or by his direction or instructions, thereby leaving the stump a dangerous obstruction in the street. I have examined the record of the evidence in the case of Gaston v. City, but it does not disclose the fact directly that the tree was cut down by Martindale's direction, and I have been unable to find the party who did cut the tree down, so that I could ascertain who ordered him to do so. Under all the circumstances, I am of the opinion that the city could not realize anything from a suit against Martindale.

I would say, in explanation of my delay in making this report, that I found out the name of the man who cut and removed the tree, and have been trying to find where he is, but have not been able to do so.

Respectfully submitted,

R. O. HAWKINS, City Attorney.

The Committee on Markets, through Alderman Coburn, submitted the following reports; which were duly concurred in:

To the President and Board of Aldermen:

The Committee on Markets, to whom was referred the amendments to the General Ordinances on Markets, recently passed, would report against the amendments offered, and recommend that the ordinances remain as they now stand.

H. COBURN,

W. F. PIEL,

Committee on Markets.

---

To the President and Board of Aldermen:

Your Committee on Markets, to whom was referred the petition of certain butchers, asking a change in Market Ordinance, so as to prohibit the sale of cut meats on outside stands at East Market House, have considered the same, and report that the ordinance has not yet been in force for a sufficient length of time to test the practical workings of the provision complained of, and therefore recommend that no change be made at present.

H. COBURN,

D. W. GRUBBS,

W. F. PIEL,

Committee on Markets.

The Committee on Sellers' Farm submitted the following report; which was duly concurred in :

*Indianapolis, August 20, 1878.*

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

*Gentlemen* :—Your Committee on Sellers' Farm, to whom was referred the proposition to advertise for bids for the timber upon the Sellers' Farm, would report that we have examined the matter, and are of the opinion that the city ought not to offer the same for sale at this time; and we would, therefore, recommend that this Board do not concur in the action of the Council upon the subject.

Respectfully submitted,

W. H. SNIDER,  
H. COBURN,  
D. MUSSMANN.

Alderman Grubbs offered the following motion; which was duly adopted :

*Moved*, That the Committee on Water-Works be instructed to inquire into the feasibility of cutting off one hundred fire-plugs, and that they report at the next meeting of this body.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest : GEO. T. BREUNIG, Clerk.