

# PROCEEDINGS OF BOARD OF ALDERMEN.

## REGULAR SESSION—FEBRUARY 4, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, February 4th, A. D. 1879, at half-past seven o'clock, in regular session.

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

**ABSENT**—Alderman Snider—1.

The Proceedings of the Board of Aldermen, for the regular session, held on January 21st, 1879, 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 was duly received :

*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 (February 3d, 1879), for your action upon same.

For the Common Council :

BENJ. C. WRIGHT, City Clerk.

City Clerk's report that the following affidavits had been filed in his office, for the collection of street assessments by precept :

Robert P. Dunning vs. Henry Schilling, for.....	\$54 25
Robert P. Dunning vs. Henry Schilling, for .....	17 12

and recommending that the precepts be ordered to issue [see page 753, *ante*], was read; and the action of Common Council, in approving such recommendation and in ordering the precepts to issue, was concurred in by the following vote :

**AYES**, 7—viz. : Aldermen Coburn, Foster, Grubbs, Mussmann, Piel, Ridenour, and President Wiles.

**NAYS**—None.

The following report from the City Clerk [which had been duly approved by the Common Council—see page 754, *ante*], was read, and the Council action, above set forth, was duly concurred in :

To the Mayor, Common Council and Board of Aldermen :

*Gentlemen* :—I would respectfully report that, on the 22d day of January, 1879, I transmitted to the City Commissioners the petition, plat, and resolution of your honorable bodies, in the matter of the laying out, opening, and extending John street, from Peru street to Massachusetts avenue, and that I issued notice to said Commissioners, according to law, and also to the owners of property.

Respectfully submitted,

BENJ. C. WRIGHT, City Clerk.

City Clerk's statement of the amount of orders issued on the city treasury during the month of January, 1879; and the City Treasurer's report of receipts and disbursements during same period [see pages 754 and 755, *ante*], were read; and the action of the Common Council, in referring said statement and report to the Council and Aldermanic Committees on Finance, for joint examination, was duly approved.

Report from Superintendent of City Hospital and Branch of the contents of hospital register, expenditures, etc., for the month of January, 1879 [see page 757, *ante*], was read, and was duly received.

Report from Board of Public Improvements, recommending that the Street Commissioner construct a foot-bridge across Pleasant Run, at the intersection of Spruce street, at a cost not exceeding \$25 [see page 758, *ante*], was read; and the action of the Common Council, in concurring in such recommendation, was duly approved.

Report from Board of Public Improvements and Street Commissioner, giving an exhibit of moneys paid on account of the Street-Repair Department, for the month of January, 1879 [see page 758, *ante*], was read, and was duly received.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from January 16th to 31st, 1879, inclusive [see page 760, *ante*], was read, and was duly received.

The following report from the Council Judiciary Committee and the City Assessor was read; and the action of the Common Council, in concurring in its several clauses [see page 760, *ante*], was duly approved :

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

*Gentlemen* :—Your Committee on Judiciary, together with the City Attorney and City Assessor, to whom was referred sundry papers, make the following report thereon :

1st. Is the petition of Margaret Carey, to be relieved from the payment of taxes, on account of an erroneous assessment.

It appears of record, that the petitioner is the owner of thirty feet off of the east side of lot 23, out-lot 151, and that the assessment for 1876 was \$3,000; for 1877, \$2,500; for 1878, reduced to \$1,350.

There has, undoubtedly, been an erroneous assessment in this case; and as the petitioner agrees to pay up all delinquent tax at the rate of the assessment for the year 1878, we recommend that the Treasurer be instructed to receive the amount of tax so imposed, and give the petitioner receipts in full for the years 1876, 1877, and 1878.

2d. Is the petition of Frank McWhinney, to have refunded money erroneously paid as tax on property bought at tax-sale on the 15th of February, 1877. The petitioner represents that he has paid on lot 24, out-lot 174, bought at city tax-sale, in the name of James Skillen, the following sums: for the years 1875 and 1876, \$189.12; for the year 1877, \$62.91; for the year 1878, \$49.61—in all, \$301.64. The sale was erroneous as to description, as the lot sold and described in the certificate was described as lot 24, out-lot 174, when it should have been lot 24, out-lot 147.

In view of the above facts, we recommend that the prayer of the petitioner be granted.

3d. Is the lease from the city to I. L. Frankem, of the property known as No. 34 E. Washington street.

We have examined the lease, and recommend that the provision that "said Frankem shall have the refusal of the same for another year, at the rent that may be fixed by the city," be stricken out, so that the lease will terminate at the expiration of one year.

4th. Is a quit-claim deed from the city to Elisha J. and Charles A. Howland, executors of the estate of Powell Howland, deceased.

We have examined this deed, and find it correct, and recommend that it be properly signed and acknowledged, and that the City Clerk be instructed to have the same recorded.

5th. We recommend that the Committee on Accounts and Claims be instructed to include all allowances confirmed in this report in their next appropriation ordinance, and that the City Clerk be instructed to draw warrants on the city treasury for such sums.

Very respectfully submitted,

M. H. MCKAY,

JOHN L. F. STEEG,

JOHN L. MARSEE,

Committee on Judiciary.

WM. HADLEY, City Assessor.

The following report from the Council and Aldermanic Committees on Parks [which had been concurred in by the Common Council—see page 761, *ante*], was read:

To the Mayor and Common Council:

*Gentlemen:*—In reference to the notice from A. W. Denny, Supervisor Road District No. 3, notifying the City of Indianapolis to open a roadway from the Madison State Road to the Shelbyville Road, we would report as follows:

We have examined the proposed roadway, and find that, if opened, it will take a strip twenty-five wide and eighty rods long across the entire southern side of the South Park. This would be an injury to the city, and involve considerable expense.

As the grounds are incorporated, we are of the opinion that the county authorities have no right to open a roadway through or within the city limits.

We would, therefore, recommend that the City Attorney be instructed to take all necessary steps to enjoin said opening.

Respectfully submitted,

W. H. TUCKER,  
I. C. WALKER,  
T. C. READING,  
Committee on Parks C. C.

R. S. FOSTER,  
W. H. SNIDER,  
Committee on Parks B. of A.  
R. O. HAWKINS, City Attorney.

Ex-Alderman William Wallace, who was in attendance as the representative of certain parties interested in the matter of opening the roadway referred to in preceding report, was, by courtesy of the Board of Aldermen, permitted to address that body on behalf of his clients, and stated that the road in question had been legally ordered to be opened by the County Commissioners in the year 1875, and, therefore, gave it as his opinion that the proposed injunction proceedings would not avail, etc.

On Alderman Foster's motion, the foregoing matter was referred to the Judiciary Committee and City Attorney for consideration and report.

The following resolution, together with a petition from sundry city undertakers, recommending the filling of the vacancy by the appointment of the party named in the resolution, were read :

WHEREAS, There is a vacancy in the office of City Sexton at Greenlawn Cemetery, caused by the death of the Sexton, Jacob Ross: Therefore,

Resolved, That Mr. Locklear, principal assistant of said Ross at said cemetery, be instructed to take charge of and perform the duties of Sexton, until a successor to said Ross shall be elected and qualified; and that said Mr. Locklear be instructed and empowered to charge and receive the same fees and charges now allowed by ordinance to the Sexton.

And the foregoing resolution [which had been duly adopted by the Common Council—see page 765, *ante*], was adopted by the following vote:

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

NAYS—None.

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

That the Mayor be requested to call a meeting of the Common Council and Board of Aldermen, for the purpose of electing two Directors for the Belt Railroad and a City Sexton.

That the Chief Fire Engineer and City Attorney be instructed to commence the necessary proceedings to compel the owners and lessees of the Grand Opera House

to comply with the notices served upon them in relation to the erection of additional facilities for escape in case of fire, and upon their failure to do so to prosecute such persons, under the ordinance, and to have their license revoked.

The following Council motion, which had been referred to the Council and Aldermanic Committees on Streets and Alleys, with power to act, was read, and aforesaid reference and power was duly confirmed :

That Christian F. Schrader be allowed the privilege of erecting a hay scale on McCarty street, where the said street intersects Virginia avenue.

The following Appropriation Ordinances [which had been duly passed by the Common Council—see pages 763 and 764, *ante*], were read the first time :

Ap. O. 7, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

Ap. O. 8, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the City Hospital and Branch.

Ap. O. 9, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

Ap. O. 10, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Ap. O. 11, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising.

This being the regular appropriation night, the several Appropriation Ordinances were taken up for second and third readings, and placed on their passage, without suspension of the rules.

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

Ap. O. 7, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$908.38.]

And was passed by the following vote :

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

**NAYS**—None.

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

Ap. O. 8, 1879—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, \$895.35.]

And was passed by the following vote :

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

**NAYS**—None.

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

**Ap. O. 9, 1879**—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$242.23.]

And was passed by the following vote :

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

**NAYS**—None.

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

**Ap. O. 10, 1879**—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,989.89.]

And was passed by the following vote :

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

**NAYS**—None.

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

**Ap. O. 11, 1879**—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, and Advertising. [Amount appropriated, \$1,303.18.]

And was passed by the following vote :

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

**NAYS**—None.

#### NEW BUSINESS.

The Fire Board, through Alderman Foster, submitted the following report; which was duly received :

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

*Gentlemen* :—The Fire Board and City Attorney, to whom was referred General Ordinance 59, 1878, granting the right to erect and maintain telephone lines in this city to certain persons, would report that we have investigated the matter, and are of the opinion that the same should be amended in some particulars, and, when so

amended, that it be passed. We have re-written the ordinance, and incorporated the amendments that we think should be made, and we herewith submit the same, and recommend that it be passed.

Respectfully submitted,

R. S. FOSTER,  
JAS. T. LAYMAN, Fire Board,  
R. O. HAWKINS, City Attorney.

The amendatory ordinance, referred to in preceding report, was then read the second time.

Alderman Grubbs moved that the amendatory ordinance be further amended, by requiring all poles erected by said Telephone Company to be painted; which amendment was duly adopted, and the Clerk was instructed to insert the same in an appropriate place in aforesaid ordinance.

Said ordinance was ordered to be engrossed, as amended, and was then read the third time, viz.:

G. O. 59, 1878—An Ordinance granting E. W. Gleason and his associates, under the name and style of the Indiana District Telephone Company, the privilege of using the Streets and Alleys of the City of Indianapolis in constructing, operating, and maintaining Lines of Telephones in said city.

And was passed by the following vote:

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

**NAYS**—None.

Alderman Chandler, chairman of the Committee on Gas-Light, verbally reported that he had personally examined into the matter of the alleged discontinuance of a public gas-lamp on the south side of South street, at corner of Eddy street, and found said lamp burning and in use.

On Alderman Stratford's motion, the foregoing matter was referred back to the Committee on Gas-Light, with instructions to ascertain and report whether said lamp had, at any time, been dismantled, and, if so, by whose orders it had again been put into service.

Alderman Ridenour and Alderman Stratford, for the Aldermanic and Council Committees on Railroads, severally submitted the following reports:

The Committee on Railroads, with the City Attorney, to whom was referred the resolution printed on page 732, *ante*—all being present except Alderman Stratford—agreed to report, recommending that the City Attorney be directed to prepare an ordinance granting the right-of-way to the Indianapolis Street Railway Company over or along any street or parts of street in the city, not now occupied by two tracks, where a majority of the property owners in feet may petition for, or assent to, the use of the same for street railroads, and under such other and farther supervision as the Common Council and Board of Aldermen may prescribe.

J. M. RIDENOUR,  
W. H. TUCKER,  
T. E. CHANDLER—Signed

with the proviso, that the above ordinance shall not be in conflict with the ordinance already granted Citizens' Street R. R. Co.

To the President and Members of the Board of Aldermen :

Your joint Committee on Railroads, to which was referred the resolution of Alderman Ridenour, for the granting of a charter to the Indianapolis Street Railroad Company to lay tracks in and along the streets of the city, believe the 15th section of the charter of the Citizens' Street Railway Company, requiring notice to them to build any line before granting the right to another company, is valid and should be lived up to by the Council; and as the present company has exhibited a willingness to build and extend any needed lines, we do not think it would be wise to grant them (the new company) an unlimited charter, ignoring the 15th section of the ordinance above referred to.

Respectfully submitted,

I. W. STRATFORD,  
MARTIN MCGINTY.

Alderman Mussmann moved that the consideration of the foregoing reports, and the recommendations therein contained, be postponed; but the Board of Aldermen refused to adopt such proposition.

On motion, the report submitted by Alderman Stratford was then duly concurred in.

On Alderman Coburn's motion, the passage of Appropriation Ordinance 10, 1879, was reconsidered by the following vote :

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

**NAYS**—None.

The allowance of \$42.25, made to Joseph K. Sharpe, for the purpose of refunding that amount of an assessment against him for the construction of the E. Pearl street sewer, was then stricken out of aforesaid ordinance, and the claim was referred to the Aldermanic Judiciary Committee and the City Attorney.

The following entitled ordinance was again placed on its passage, viz. :

Ap. O. 10, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$9,947.64.]

And was passed by the following vote :

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

**NAYS**—None.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.