

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—MARCH 4, 1879.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Tuesday evening, March 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, Foster, Grubbs, Mussmann, Piel, Ridenour, and Snider—8.

ABSENT—Aldermen Coburn and Stratford—2.

The Proceedings of the Board of Aldermen, for the regular session, held on February 18th, 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:

To the Board of Aldermen:

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

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

Mayor Caven's report of the amount of fines (\$18.10) by him collected and paid into the city treasury, during the month of February, 1879 [see page 799, *ante*], was read; and the action of the Common Council, in approving such report, was duly concurred in.

The City Civil Engineer's report of the following estimate was read:

A second and final estimate in behalf of Henry C. Roney, for building a fire-cistern at the intersection of Huron and Laurel streets—

2443.43 barrels, at 32 cents.....	\$775 50
2 cistern rings and covers, as per bill.....	16 87
Total.....	\$792 37
Less former estimate	674 37
Present estimate.....	\$118 00

And the action of the Common Council, in approving such estimate [see page 799, *ante*], was duly concurred in.

City Clerk's statement of the amount of orders issued on the city treasury during the month of February, 1879; and the City Treasurer's report of receipts and disbursements during same period [see pages 800 to 802, *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.

The following report from the City Attorney was read :

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

Gentlemen :—I would report that, since your last meeting, the case of Boehl v. City has been tried in the Superior Court, and resulted in a verdict and judgment against the city for \$3.

This was a suit by Boehl, to recover the difference between \$1.75 and \$2, as wages as policeman between the 15th and the 28th of May last. The fiscal year expiring May 15th, and the salary ordinance not being passed until the 28th, the plaintiff claimed that he was entitled to receive \$2 per day until the date of the passage of the new ordinance.

This was a case similar to that of McKinney v. The City, tried in Room 1 in the same Court, in which judgment was rendered in favor of the city.

The amount involved is not large enough to take the case to the Supreme Court, but it could be appealed to the General Term. If one of the policemen is allowed and paid at the rate of \$2 per day, of course they all should be treated the same way. There is some doubt as to what the law is in these cases, and I desire to be instructed as to whether I shall appeal this case to the General Term or not.

R. O. HAWKINS, City Attorney.

And the Board of Aldermen refused to concur in the action of the Common Council, in ordering the City Attorney to take an appeal of the above mentioned case to the General Term of the Superior Court [see page 802, *ante*], by the following vote :

AYES, 3—viz.: Aldermen Piel, Snider, and President Wiles.

NAYS, 4—viz.: Aldermen Foster, Grubbs, Mussmann, and Ridenour.

Alderman Chandler appeared, and took his seat.

Report from Superintendent of City Hospital and Branch of the contents of hospital register, expenditures, etc., for the month of February, 1879 [see page 804, *ante*], was read, and was duly received.

The following report from the Fire Board was duly received :

To His Honor, the Mayor, Common Council, and Board of Aldermen :

On a motion, introduced by Councilman Bermann, instructing the Chief Fire Engineer to locate two fire-cisterns south of Douglass street, between Madison avenue and East street, we have examined the district referred to, and believe that at least two large cisterns should be built in this part of the city, but as the estimate submitted by us at the commencement of the year for building and repairing

cisterns has almost become exhausted, we can not recommend that the cisterns be built at this time, unless the Council and Board of Aldermen make a special appropriation to do the work

Respectfully,

R. S. FOSTER,
JAMES T. LAYMAN,
Fire Board.

The following clauses in the report of the Board of Public Improvements were read; and the action of the Common Council, in concurring therein [see pages 805 to 807, *ante*], was duly approved:

1st. Is a motion that Charles Bates be granted permission to lay a plank crossing over the west sidewalk of New Jersey street, between Walnut street and Fort Wayne avenue; also on south side of Fort Wayne avenue, between Alabama and New Jersey streets.

We have examined the location, and recommend that the motion be concurred in, and that the work be done under direction of the Street Commissioner and City Civil Engineer.

5th. Is a motion that the Street Commissioner be instructed to make single-stone crossings over the alleys between Delaware and Pennsylvania streets, on the south side of Vermont street.

The east one of these alleys is private, and should be repaired at the expense of the property owners. The grade at the other is such that to place a stone crossing would demand a considerable outlay of money, and we, therefore, recommend that the Street Commissioner be instructed to substitute cinders for stone.

6th. Is an offer for compromise of the H. H. Sheets claim against the City of Indianapolis.

We deem it necessary, in a matter involving the amount of money asked for in this case, to state, in this report, fully the action already taken.

On July 1st, 1878, the following communication, with accompanying claim, was presented to the Council, and referred to the Committee on Accounts and Claims:

"The undersigned respectfully represents that the amount of sand taken from lots numbered 10, 11, and 12, in square 44, in the City of Indianapolis, and taken by Augustus Bruner, Street Commissioner, by order of your honorable body, was worth, in the aggregate, the sum of one thousand dollars, as per account herewith.

"Your petitioner respectfully requests that you will allow and order said account paid without delay."

(Signed)

H. H. SHEETS."

On November 18th, 1878, the Committee on Accounts and Claims, to whom was referred the claim of H. H. Sheets reported that, in their opinion, the same should be investigated, and recommended that the case be referred to the Board of Public Improvements, for such investigation; which was concurred in.

Your Board of Public Improvements have carefully examined this case in all its bearings, made diligent search for information in all places of record, and have heard the testimony of several witnesses in regard to the quantity of sand removed. We have, also, tried to effect a compromise of the case; which we have been unable to do until to-day. During the pendency of this investigation, Mr. Sheets has brought suit against the city, on account of sand taken by the city from the above mentioned lots, for the sum of three thousand dollars. To-day, we received the following offer for compromise of this case:

Indianapolis, March 3, 1879.

To the President of the Board of Public Improvements :

Dear Sir :—As a compromise of my claim against the City of Indianapolis, I hereby propose to accept the sum of two hundred and fifty (250) dollars, in full payment, satisfaction, and discharge of any and all rights, claims, or demands against the City of Indianapolis, for the removal, use, conversion, or appropriation, by the city, of sand, dirt, or gravel excavated from the cellars of the property known as the "New Hotel" property, being lots 10, 11, and 12, square 14, in the City of Indianapolis, and placed in Ohio street, near its intersection with Pennsylvania street, and for the recovery of which suit is now pending in the Superior Court of Marion County, being case No. 23,576.

(Signed)

H. H. SHEETS.

In view of all the facts, as understood by your Board, we recommend that the compromise, as set forth above, be accepted, and that the City Attorney be instructed to see that the case is dismissed, and the city put to no further expense. We recommend this claim be allowed, and that the City Clerk be instructed to include the same in the General Appropriation Ordinance passed at this meeting.

7th. Under instructions of a motion passed by the Common Council and Board of Aldermen on January 6th and 7th, 1879, we herewith submit a lease, for one year from January 8th, 1879, for the sum of one hundred dollars, for the ground occupied by the work-house or stone-yard, situated on lot 12, square 100, in the City of Indianapolis; also that we have enclosed said lot and erected a suitable building, at a cost of \$185.86; viz., lumber, \$120.31; hardware, \$10.55; labor, \$55; total, \$185.86.

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 February, 1879 [see page 807, *ante*], was read, and was duly approved.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from February 15th to 28th, 1879, inclusive [see page 807, *ante*], was read, and was duly received.

Reports from the City Dispensary, for the months of December, 1878, and January and February, 1879 [see pages 808 and 809, *ante*], were read, and were duly received.

The following joint report from the Council and Aldermanic Committees on Finance was read, and was duly approved :

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

Gentlemen :—Your Committees on Finance respectfully report that they have examined the reports of the City Clerk (of Orders issued during December, 1878, and January, 1879), and the reports of the City Treasurer (of receipts and payments during the same months), and find all of said reports correct.

A. L. WRIGHT,
S. MORRIS,
JAMES T. LAYMAN,
S. SHOWALTER,
Council Committee.
T. E. CHANDLER,
D. MUSSMANN,
Aldermanic Committee.

Three reports from the Council Committee on Gas-Light [see page 810, *ante*], were read.

On motion, the Board of Aldermen refused to concur in the recommendation of foregoing committee, to grant the Police Board permission to use gas at the Central Station House.

But concurred in the Council action on the other two reports.

The following joint report from the Council and Aldermanic Committees on Markets [which had been concurred in by the Common Council—see page 811, *ante*], was read, and was duly approved :

To His Honor, the Mayor, and Members of the Common Council and Board of Aldermen :

Gentlemen :—Your Committees on Markets, to whom was referred the request of Chas. N. Lee, for the city to purchase thirty stands, at a cost of \$2.50 per stand, which he had erected on the West Market Space, beg leave to report that we have had the subject under consideration, and would recommend that the request be not granted.

Respectfully submitted,

OMER RODIBAUGH,
J. M. BRUNER,
GEORGE ANDERSON,
Council Committee.

D. W. GRUBBS,
W. F. PIEL,
Aldermanic Committee.

The following report from the Council Committee on Railroads [which had been concurred in by the Common Council—see page 812, *ante*] was read, and was duly concurred in :

To the Mayor and Members of the Common Council of the City of Indianapolis :

Gentlemen :—Your committee, to whom was referred the communication from Mr. M. E. Ingalls, would report that we have examined the same, and also the streets in question.

We would recommend that a committee be appointed, consisting of His Honor, the Mayor, the City Attorney, and three members of the Council; that the Board of Aldermen be requested to appoint two members of such committee; and that such committee be requested to confer with Mr. Ingalls upon the subject, and report the result to this body, with such recommendations as they may deem right.

J. M. BRUNER,
MARTIN MCGINTY.

President Wiles then appointed Aldermen Piel and Ridenour as the Aldermanic members of the suggested select committee; which now consists of

Mayor Caven, City Attorney Hawkins, Councilmen Tucker, Reasner, and Steeg, and Aldermen Piel and Ridenour.

The following petition [which had been granted by the Common Council—see page 815, *ante*] was read :

Clara A. Browning respectfully asks permission of the City Council to move a frame stable, thirty-two feet long by twenty-four feet wide, from Massachusetts avenue, east of New Jersey street, along Michigan street, west, to Tennessee street; north, on Tennessee street, to St. Clair street; thence, east, on St. Clair street, to first alley; thence, north, in alley, to north part of her lot, No. 80, on W. St. Clair street.

Indianapolis, March 3, 1879.

It appearing from the provisions of section 23 of General Ordinance 13, 1878, that the issuing of permits to remove buildings in and along the streets and alleys of this city was vested in the Board of Public Improvements, the foregoing petition was given that reference.

Petition from George Webb, for license to sell by auction [see page 819, *ante*], was read; and the action of the Common Council, in granting the prayer of said petitioner, was duly concurred in.

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

That the City Marshal be instructed to notify the property owners on the south side of Pendleton Pike to at once trim the hedge in front of their property, so that the same will not interfere with the free use of said street and sidewalk. If said work is not done within ten days from date of said notice, then said work shall be done by the Street Commissioner, and the cost of the same be collected from said property owners.

That Capt. J. Reid be, and is hereby, granted permission to exhibit "The Engle Clock" for fifteen days from Monday, March 10th, in the City of Indianapolis, for the sum of thirty (30) dollars, the license not to be issued until the money is paid to the city.

That the Market Committees be granted the privilege of purchasing a set of measures and weights, to be used by the Market-Master at the West Market.

The following Council motions were also read; and the reference of same to the Board of Public Improvements, who were given power to act, was duly confirmed:

That the Street Commissioner be directed to haul a few loads of cinders to the intersection of McCarty and Tennessee streets; also, to the intersection of Illinois and McCarty streets.

That the Street Commissioner be instructed to attend, at once, to the filling up of the chuck-holes at the crossing of Washington street and the Belt Railroad. This point is a very dangerous one, and the city will, in all probability, have to stand a suit for damages if this matter be longer neglected.

That the Street Commissioner be directed to place foot-crossings on Washington street, at Arsenal avenue, Oriental street, Highland street, and at intersection of Michigan Road, of such material as he may have at command, without purchasing any new material.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 813 and 814, *ante*], were read the first time:

Ap. O. 12, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.

Ap. O. 13, 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. 14, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.

Ap. O. 15, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.

Ap. O. 16, 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. 12, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department. [Amount appropriated, \$468.45.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Foster, Grubbs, Musmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

Ap. O. 13, 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, \$828.38.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Foster, Grubbs, Musmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

Ap. O. 14, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses. [Amount appropriated, \$279.47.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

Ap. O. 15, 1879—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$81,565.04.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

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

Ap. O. 16, 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, \$146.94.]

And was passed by the following vote :

AYES, 8—viz.: Aldermen Chandler, Foster, Grubbs, Mussmann, Piel, Ridenour, Snider, and President Wiles.

NAYS—None.

NEW BUSINESS.

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

To the President and Board of Aldermen :

Gentlemen :—At a meeting of your honorable body, on November 19th, 1878, I was instructed "to inspect the ponds near the east bank of White River, in the vicinity of the Michigan street bridge, and report the best and most feasible manner to abate the nuisance arising from the ponds there situated, with the estimate of the cost of said work."

I was compelled to delay the work until a time when the ground and water should become frozen, to enable me to take the necessary measurements; and, even then, the work was unavoidably slow. I have completed the inspection, however, and would respectfully report, as follows, thereon :

On the south side of Michigan street, there are two bayous, or channels, which it will be necessary to fill, beginning with a grade at ordinary low-water mark, and ascending at the rate of one tenth to the hundred feet. This will sufficiently drain the water into the river.

On the north side of said street is the old creek channel, which should be graded up to a point one and a half feet above low-water mark, thus enabling the water to settle. The land at this point being under cultivation, the water will more readily settle into the ground, leaving none on the surface to constitute a nuisance.

The estimate of cost of this work I report as follows :

For grading old creek channel on south side of Michigan street, from said street to the river.....	\$11,378 50
For grading the bayou immediately east of said channel.....	2,707 75
For grading old channel north of Michigan street, from said street to Fall Creek levee.....	4,864 25
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Total estimate.....	\$18,450 50

Respectfully submitted,

R. M. PATTERSON, City Civil Engineer.

Alderman Chandler offered the following motion ; which was referred to the Board of Public Improvements, who were given power to act :

That the Street Commissioner be instructed to repair Vermont street, between California and West streets.

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

That the Citizens' Street Railway Company be notified to fill up two feet on each side of its tracks on S. Meridian street, in conformity with the provisions of its charter-ordinance,

Also, offered the following motion ; which was referred to the Aldermanic Committee on Streets and Alleys :

That the Street Commissioner be ordered to repair S. Meridian street, between McCarty and Morris streets, by putting gravel on said street wherever necessary.

On motion, the Board of Aldermen then adjourned.

W. D. WILES, President.

Attest: GEO. T. BREUNIG, Clerk.