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WILLIAM WATSON WOOLLEN

# PROCEEDINGS OF BOARD OF ALDERMEN.

CALLED SESSION—JULY 16, 1879.

The Board of Aldermen of the City of Indianapolis convened in the Aldermanic Chamber on Wednesday evening, July 16th, A. D. 1879, at eight o'clock, in compliance with the following call :

To the Board of Aldermen of the City of Indianapolis :

*Gentlemen* :—I have been notified that the Common Council met in adjourned session on Monday evening, July 14th, and then transacted certain important, emergent business, upon which your immediate action is desired.

You will, therefore, assemble in special session on Wednesday evening, 16th instant, for the purpose of acting upon such matters as may then be transmitted from the Common Council.

Yours, etc.,

T. E. CHANDLER, Vice-President.

During the session, the roll-calls showed the members in attendance and absent to be as follows :

**PRESENT**—His Honor, the Vice-President, T. E. Chandler, in the Chair, and Aldermen Coburn, Layman, Newman, Piel, and Seibert—6.

**ABSENT**—President Ridenour and Aldermen Drew, Grubbs, and Mussmann—4.

## UNFINISHED BUSINESS.

The following resolution [which had been duly adopted by the Common Council on June 2d [see page 93, *ante*]; had been referred to the Aldermanic Committee on Public Property on June 3d [see page 99, *ante*]; and was reported back on 9th instant, with the recommendation that the Council action should be concurred in [see page 219, *ante*], was taken up and read, viz. :

**WHEREAS**, George W. Scott & Co., lessees of the Southern Park have violated the provisions of their lease with the city, by demanding and extorting money from persons having the consent of the city to use a portion of said premises for picnic purposes; And

**WHEREAS**, Said George W. Scott & Co. have persisted in making such charges and demands of money, over the protest and objection of the persons holding picnics at said park and the Council Committee on Parks: Therefore, be it

**Resolved**, That said lease of said park to George W. Scott & Co. be, and is hereby, declared null and void, and that the City Marshal is hereby instructed to notify

said George W. Scott & Co., to vacate said premises within ten days; and upon failure to do so, the City Marshal and City Attorney are directed to take the necessary legal steps to compel the vacation of said premises.

And it was duly adopted by the following vote :

AYES, 5—viz. Aldermen Coburn, Layman, Newman, Piel, and Seibert.

NAYS, 1—viz.: Alderman Chandler.

MESSAGE AND PAPERS FROM THE COMMON COUNCIL.

The following message was duly received :

To the Board of Aldermen of the City of Indianapolis:

*Gentlemen* :—I herewith transmit to your honorable body certain papers, which were favorably passed upon by the Common Council, at its adjourned session, held on Monday evening (July 14th, 1879), for your action upon same.

For the Common Council : BENJ. C. WRIGHT, City Clerk.

The following report from the City Civil Engineer was read ; and this body duly concurred with the Common Council, in receiving such report and in approving the accompanying estimate [see page 243, *ante*] :

To the Common Council of the City of Indianapolis :

*Gentlemen* :—I herewith present the following estimates :

A first and final estimate in behalf of David A. Haywood, for grading and graveling the alley between College avenue and Ash street, from the first alley north of Christian avenue to the second alley north of Christian avenue—

644 lineal feet, at 12½ cents..... \$80 50

A first and final estimate in behalf of Fred Gansberg, for grading and bowldering Delaware street, from Washington street to the north line of Wabash street—

1482 lineal feet, at \$1.35..... \$2,000 68

296½ yards extra bowldering, at 40½ cents..... 120 15

Total..... \$2,120 83

Respectfully submitted,

T. REED, City Civil Engineer.

The following estimate resolution [which had been duly adopted by the Common Council—see page 244, *ante*] was then 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 David A. Haywood, for grading and graveling the alley between College avenue and Ash street' from the first alley north of Christian avenue to the second alley north of Christian avenue be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.

And it was duly adopted by the following vote :

AYES, 6—viz.: Aldermen Chandler, Coburn, Layman, Newman, Piel, and Seibert.

NAYS—None.

The following estimate resolution [which had been duly adopted by the Common Council—see page 244, *ante*], was also 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 Fred Gansberg, for grading and bowldering Delaware street, from Washington street to the north line of Wabash street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen, and that the property owners are hereby required to pay the sums set opposite their respective names.*

And it was duly adopted by the following vote :

AYES, 6—viz. Aldermen Chandler, Coburn, Layman, Newman, Piel, and Seibert.

NAYS—None.

The following report from the Board of Health [see page 245, *ante*], was read :

To the Common Council, and Board of Aldermen:

We respectfully submit that the sanitary force of this Board is too small for the effective discharge of the duties devolving upon it, and that it requires all of the time of the present officers to attend to nuisances complained of, thereby leaving much filth existing, and not complained of through the diffidence or indifference of some citizens. We also respectfully represent that it requires a person of good judgment and discretion to properly deal with the many little vexatious matters coming under his notice. The Board think that Mr. George W. Cronch possesses the requisite qualifications, and would ask you to employ him, at least for the summer and fall months.

We would further recommend that Dr. Watson be furnished with a horse, and its keep, during the summer months, or until his horse (disabled in the prosecution of the city's business) gets well. He would, thereby, be enabled to do double the amount of work, at small expense to the city.

This body concurred with the Common Council, in making the appointment of George W. Crouch as sanitary policeman ; but refused to concur in the favorable action of that body on the recommendation made in the last paragraph.

Report from the Council Committee on Contracts [see pages 242 and 243, *ante*], was read ; and this body duly concurred with the Common Council in approving the recommendations made in the following extracts from said report, viz. :

1st. For grading and bowldering Maryland street, and the north gutter thereof, from Illinois street to Tennessee street—

\* \* \* \* \*

R. P. Dunning, \$1.39 per lineal foot front on the north side; and 99 cents per lineal foot front on the south side.

R. P. Dunning being the lowest and best bidder, your committee recommend that he be awarded the contract.

2d. For grading and graveling the alley between Hoyt avenue and Huron street, from Dillon street to Linden street—

\* \* \* \* \*

Wm. Morrison, 11 cents per lineal foot front on each side.

Wm. Morrison being the lowest and best bidder, your committee recommend that he be awarded the contract.

3d. For grading and graveling the first alley north of Elizabeth street, between Maxwell and Wilson streets—

\* \* \* \* \*

Wm. Morrison, 10 cents per lineal foot front on each side.

Wm. Morrison being the lowest and best bidder, your committee recommend that he be awarded the contract.

4th. For grading and graveling the alley between Illinois and Meridian streets, and the sidewalks thereof, from North street to Walnut street.

\* \* \* \* \*

Wm. Morrison, 21 cents per lineal foot front on each side.

Wm. Morrison being the lowest and best bidder, your committee recommend that he be awarded the contract.

Petition from I. P. Evans & Co., for permission to raise the sidewalks alongside their premises, adjoining the Union Railway tracks, to the grade of said tracks; also, to extend the culvert up the north line of said premises; also, to bowlder a portion of said sidewalk [see page 229, *ante*] was read; and this body concurred with the Common Council, in granting the prayer of said petitioners, with the proviso made by said body that the work should be done at the petitioners' expense and under the supervision of the City Civil Engineer.

The following resolution [which had been duly adopted by the Common Council—see page 235, *ante*] was read:

WHEREAS, It is provided in section eight of the City Charter, that the City Attorney, Street Commissioner, and Civil Engineer shall hold their offices two years each, subject to removal by said Common Council at their pleasure;

AND, WHEREAS, It is the pleasure of the Common Council of the City of Indianapolis (the Board of Aldermen concurring), that Thaddeus Reed be removed from the office of City Civil Engineer: Therefore, be it

*Resolved*, That said Thaddeus Reed is hereby removed from the office of City Civil Engineer, and that a vacancy is declared to exist in said office.

After which, by consent, the following petition was presented:

To the Honorable Jonathan M. Ridenour, President, and Thomas E. Chandler, Henry Coburn, Harry E. Drew, Daniel W. Grubbs, Jas. T. Layman, Diedrich Mussmann, John Newman, Wm. F. Piel, Hiram Seibert, Members of the Board of Aldermen of the City of Indianapolis:

*Gentlemen*.—At a late meeting of the members of the Common Council, a resolution was adopted, attempting to displace me from the office I now hold. This action was taken without notice to me, without the filing of any specified charges, or allowing me any defence. I submit to you, in anticipation that this resolution will be also presented to your honorable body, that this hasty action, without an investigation or defence, does me a great injustice.

I was duly and legally elected as City Civil Engineer for the legal term of two years. I filed my bond, with proper surety, which was properly approved I am now daily performing the duties of my office, and no written charges have been preferred against me. If there are any errors in my official conduct, which would make me liable to censure, to reprimand or removal, I should be furnished with a copy of these charges, and be, as is customary allowed to defend myself, if possible; and it is to me an inalienable right, as a man, a citizen, and a public officer.

I, therefore respectfully request of you that the resolution of the Council be referred to an Investigating Committee, composed of members of the Council and of your body, and the charges against me should be presented to this committee in writing, and that I shall be allowed to attend before such committee, and present my defence. I submit to you, as gentlemen, as well as important public officers, even if the power exists in your body and that of the Common Council, to make a summary removal of a public officer, whether common justice does not require and allow any such officer the right to be heard, and the common right of self-defence?

Believing that your body is one not liable to hasty action, and willing to do right, I respectfully ask for a Committee of Investigation.

T. REED, City Civil Engineer.

Alderman Newman moved that the prayer of the City Civil Engineer be granted.

Alderman Layman demanded the "ayes and nays" upon foregoing motion; which, being taken, resulted as follows:

AYES, 6—viz. Aldermen Chandler, Coburn, Layman, Newman, Piel, and Seibert.

NAYS—None.

On motion made, it was determined that the Committee of Investigation asked for in foregoing petition should consist of two Aldermen; and it was ordered that the Common Council should be requested to appoint three of its membership as associates thereon.

Vice-President Chandler thereupon appointed Aldermen Newman and Seibert as said committeemen from this body.

The following resolution [which had been duly adopted by the Common Council—see page 236, *ante*], was read:

WHEREAS, David Richards, an active, diligent, and worthy patrolman of the Police Force, was dangerously wounded on the 2d instant, by being shot in the knee, and, in consequence of such wound, will be unable to be in active service for some time to come;

AND WHEREAS, Such wound was received by him whilst bravely doing his duty as a patrolman: Therefore,

*Resolved*, That the Police Board be, and are hereby, instructed to continue said Richards upon the Police roll, at full pay, during the continuance of his present disability above mentioned.

And it was duly adopted by the following vote:

AYES, 6—viz. Aldermen Chandler, Coburn, Layman, Newman, Piel, and Seibert.

NAYS--None.

The following resolution [which had been duly adopted by the Common Council—see page 237, *ante*], was read:

WHEREAS, The safety and convenience of the public require that a change be made in the track of the Indianapolis, Cincinnati & Lafayette Railroad by the said company: Therefore,

*Resolved*, That the Civil Engineer be, and is hereby, directed to make a survey of that portion of said track above the level of the street grades, and to make a proper drawing thereof, showing thereon the length and number of tracks to be lowered, the points of beginning and termination, and the distance which said track or tracks shall be lowered, and report the same to this Council for its action. Upon the approval of said report, it shall be the duty of the City Attorney to prepare proper notices to be served upon said railroad company, and report the same to this Council for its approval.

And it was duly adopted by the following vote :

**AYES**, 6—viz. Aldermen Chandler, Coburn, Layman, Newman, Piel, and Seibert.

**NAYS**—None.

The following motions, which had been duly adopted by the Common Council, were read, and were concurrently adopted by this body :

That the Union Railway Company be required to repair, by laying with new planks, the Illinois street crossing of its tracks.

That permission be granted J. C. Clawson, proprietor "Planters' House," on S. Illinois street, between Maryland and Georgia streets, to erect and maintain an illuminated sign, the height of an ordinary lamp post, in front of his premises on said S. Illinois street.

That the policemen and City Marshal enforce, from this date, all the provisions and requirements of the ordinances now in force regarding dogs and the owners thereof; also, the ordinances and laws for the protection of shade-trees on the sidewalks, and for the prevention of horses and other animals running at large upon the streets, alleys, and commons of this city.

That the Board of Police be directed to instruct the Sanitary Policeman to prohibit Collins & James from depositing filth or nauseous stuff at the foot of Kentucky avenue, near the Vincennes bridge.

That His Honor, the Mayor, cause to be furnished to the City Assessor, by the Auditor of Marion County, certified copies of the reports of the national and private banks, joint-stock corporations, railroads, gravel roads, pawnbrokers, and such other stock as is required by law to be furnished to cities by the County Auditor.

That the Township Trustee be allowed to grade Twelfth street, from Meridian street to Illinois street, without expense to the property owners or the city, and to remove the earth and gravel down to such grade, and use the same in making a fill on the Schurmann farm, between the northern terminus of Meridian street and Fall Creek. The City Civil Engineer is hereby ordered to establish the proper grade for Twelfth street, between the points named.

That the proprietors of the Indianapolis Conservatory, on west side of N. Tennessee street, north of Tinker street, be, and they are hereby, granted permission to put down and maintain, at their own expense, two driveways (at such points as needed) across the pavement at the south corner and in front of said conservatory premises.

That the Marshal be instructed to notify the Police to prohibit any person or persons from dumping garbage on the banks of the old bed of Fall Creek.

That the City Clerk be instructed to advertise for proposals to remove dead animals to Sellers' Farm for the term of one year, as the contract of the Indianapolis Fertilizer Company will soon expire.

Inasmuch as the ordinance providing for the placing of proper signal lights where obstructions are left in and along the streets and alleys of this city, thereby endangering the lives of those using said streets and alleys, and laying the city liable for damages, is unreasonably disregarded and violated: Therefore,

*Moved*, That the Chief of Police is hereby ordered to instruct the Police Force to file against every person or corporation who may violate said ordinance; and the Marshal is hereby directed to notify the Citizens' Street Railway Company that it must comply with said ordinance, and, that unless they at once comply, to file against said company.

*Further*, That the Street Commissioner and the Chief of the Fire Department are hereby requested, directed, and ordered to report all persons or corporations who violate said ordinance to the City Marshal, and the City Marshal shall file against said parties at once, and follow up all cases until they realize the force of the law and that ordinances must be respected, especially when the lives of the public are endangered.

The Board of Aldermen refused to concurrently adopt the following Council motion:

That the Hospital Board, in connection with the Superintendent of the City Hospital, be directed to report to this Council the probable cost of putting in gas pipes and fixtures in the Hospital building. Also, to report if, in their opinion, it would not be very much to the advantage of the Hospital to burn gas, and if, in their opinion, it would not be quite as cheap as coal oil.

The following motion [which had been duly adopted by the Common Council—see page 229, *ante*], on Alderman Coburn's motion, was referred to the Fire Board:

That Chas. Haag be directed to remove his street-sprinkler water-plug from New York street, near the Fire Department Headquarters.

The following entitled ordinances [which had been duly passed by the Common Council—see pages 226 and 227, *ante*], were then read the first time:

- A. P. O. 46, 1879—An Ordinance appropriating the sum of Five Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.
- G. O. 34, 1879—An Ordinance to regulate the Establishment, Maintenance, and Operation of Hospitals within the City of Indianapolis.
- G. O. 37, 1879—An Ordinance to amend section forty-six (46) of "G. O. 13, 1878—An Ordinance relative to the Streets, Alleys, Sidewalks, and Public Places of the City of Indianapolis; restraining the making of Excavations therein or in lands adjacent thereto; prohibiting the placing of unauthorized Obstructions in or upon the same; securing the Public in the free and safe use thereof; revising and re-enacting Ordinance-Provisions now in force; and prescribing Penalties for violations of its Regulations and Requirements (ordained and established on September 2d, 1878)."

#### NEW BUSINESS.

The Committee on Streets and Alleys, through Alderman Piel, submitted the following report; which was duly received:

To the Board of Aldermen of the City of Indianapolis :

Your Committee on Streets and Alleys, to whom was referred "S. O. 5, 1879—An Ordinance to provide for improving the first Alley north of Lockerbie street, from Liberty street to the first alley west of Noble street, by grading and graveling," herewith return said ordinance, with a recommendation that it be passed.

Respectfully submitted,

H. E. Drew,  
Hiram Seibert,  
W. F. Piel,  
Committee on Streets and Alleys.

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

That section six (6) of the so-called "Aldermanic law" is hereby referred to the Joint Judiciary Committees, His Honor, the Mayor, and the City Attorney, with instructions to report to this body a legal interpretation thereof, having an especial view to explicitly defining the "powers and duties" of the Board of Aldermen relative to original introduction and passage of general ordinances.

On motion, the Board of Aldermen then adjourned.

T. E. CHANDLER, Vice-President.

Attest: GEO. T. BREUNIG, Clerk.