

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—JULY 23, 1879.

The Board of Aldermen of the City of Indianapolis convened in the Aldermanic Chamber on Wednesday evening, July 23d, A. D. 1879, at eight o'clock, in regular session.

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

ABSENT—President Ridenour and Aldermen Grubbs, Layman, and Piel—4.

The Proceedings of Board of Aldermen, for the regular session, held on July 9th, and for the called session, held on July 16th, 1879, having been printed, and placed on the desks of the Aldermen, said proceedings were duly approved as published.

MESSAGES 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 regular session, held on Monday evening (July 21st, 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 257, *ante*]:

To the Common Council of the City of Indianapolis:

Gentlemen:—I herewith present the following estimate:

A first and final estimate in behalf of John Schier, for grading, and paving with brick, the west sidewalk of Arsenal avenue, from Washington street to the first alley north of Washington street—

160 lineal feet, at 32½¢\$52 00

Respectfully submitted,

T. REED, City Civil Engineer.

The following estimate resolution [which had been duly adopted by the Common Council— see page 258, *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 John Schier, for grading, and paving with brick, the west sidewalk of Arsenal avenue, from Washington street to the first alley north of Washington 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, Drew, Mussmann, Newman, and Seibert.

NAYS—None.

The following report from same officer was read; and this body duly concurred with the Common Council in approving the contract and bond accompanying said report [see page 258, *ante*]:

To the Common Council of the City of Indianapolis:

Gentlemen.:—I herewith report the following contracts and bonds:

Contract and bond of William Morrison, for grading and graveling the alley between Hoyt avenue and Huron street, from Dillon street to Linden street. Bond, \$450; surety, David McConnell.

Contract and bond of William Morrison, for grading and graveling the first alley north of Elizabeth street, between Maxwell and Wilson streets. Bond, \$100; surety, David McConnell.

Contract and bond of R. P. Dunning, for grading and bowldering Maryland street, and the north gutter thereof, from Illinois street to Tennessee street. Bond, \$2,000; surety, James W. Hudson

Respectfully submitted,

T. REED, City Civil Engineer.

Report from Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from July 1st to 15th, 1879, inclusive [see page 260, *ante*], was read, and was duly received.

The following report from the Police Board was read; and this body duly concurred with the Common Council, in approving the same [see page 260, *ante*]:

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

We hereby report that stolen goods have been sold, to the amount of six dollars and fifty cents (\$6.50), which sum was paid to the City Treasurer on the 15th day of July, 1879, and his receipt filed with the City Clerk.

POLICE BOARD,

By J. T. DOWNEY, Sec'y.

The following clauses in the report of the Board of Public Improvements were read; and the favorable action of the Common Council thereon [see pages 261 and 262, *ante*], was duly approved:

2d. Is a motion ordering the repair of the east side of Illinois street, alongside the north end of the tunnel.

We recommend said work be done.

3d. Is a motion directing the filling of chuck-holes, with gravel, in Pennsylvania street, from South street to Madison avenue.

We recommend said work be done.

4th. Is a motion directing the Street Commissioner to erect a wooden bridge across Pogue's Run at the first alley east of Tennessee street, between Garden and Merrill streets—said Commissioner to use material left on hand from the Ohio street bridge over Pogue's Run.

We recommend said work be done.

5th. Is a motion directing the Street Commissioner to scrape and clean South street, between Illinois and Missouri streets.

We recommend the gutters, only, be cleaned.

7th. Is a motion directing the Street Commissioner to fill the chuck-holes in Market street, east of Noble street.

We recommend said work be done.

8th. Is a motion directing the Street Commissioner to repair the gutter bridge on South street, in front of Hook and Ladder House.

We recommend said work be done.

10th. Is a motion directing the Street Commissioner to re-lay the plank walk in front of Engine House No. 1.

We recommend said work be done.

11th. Is a motion directing the Street Commissioner to clean the gutters and fill the chuck-holes on Indiana avenue, from Illinois street to the canal.

We recommend said work be done.

12th. Is a motion directing the Street Commissioner to clean the gutters, and cut the weeds and grass therein, on Minerva street, between New York and North streets; also, to clean out the culverts of said Minerva street.

We recommend said work be done.

13th. Is a motion directing the Street Commissioner to clean the gutters, and cut the weeds and grass therein, on Blake street, between Washington street and Indiana avenue; also, to clean out the culverts of said Blake street.

We recommend that the work be done.

14th. Is a motion directing the Street Commissioner to clean the gutters of West street, between New York and Washington streets; also, to fill chuck-holes on said street.

We recommend said work be done.

15th. Is a motion directing the Street Commissioner to clean the bridges and gutters of Bright street, and grade the same, that the water may flow.

We recommend said work be done.

16th. Is a motion directing the Street Commissioner to repair the gutter at the intersection of Michigan and Columbia streets.

We recommend that the work be done.

17th. Is a motion directing the Street Commissioner to notify the street-car company to repair their tracks on New Jersey street, from North street to Fort Wayne avenue.

We recommend such notice be given.

18th. Is a motion directing the Street Commissioner to fill the chuck-holes and clean the gutters of Alabama street, from North street to Fort Wayne avenue.

We recommend said work be done.

19th. Is a motion directing the Street Commissioner to repair St. Clair street, from Meridian street to New Jersey street.

We recommend said work be done.

Contracts of J. A. Dynes & Co. for doing the public advertising and publishing the city delinquent-tax list, together with their bond in the sum of \$1,000, with N. Yoke and John Reynolds as sureties [see pages 263 to 266, *ante*], were read; and this body concurred with the Common Council, in approving the same [see page 270, *ante*].

The following report from the Joint Committees on Public Light [see page 267, *ante*], was read; and this body concurred with the Common Council, in approving the new provisional agreement between The City of Indianapolis and The Indianapolis Gas-Light and Coke Company [see pages 267 to 269, *ante*]:

To the Mayor, and Members of the Common Council

and Board of Aldermen of the City of Indianapolis:

Gentlemen.:—In view of the fact that the contract existing between the City of Indianapolis and the Indianapolis Gas-Light and Coke Company will terminate on the 31st day of July, 1879, your Committees on Public Light have had under consideration the question of gas supply for the year ending July 31st, 1880.

The amount of money estimated to cover the cost of lighting, cleaning, and repairing street lamps for the coming year was sixty thousand (60,000) dollars. Last year we burned 2,200 lamps for 2,600 hours, lighted and extinguished on what is known as the "moon table," at a cost per lamp of \$25.80. For the year ending July 31st, 1880, your committees have decided to light 2,400 lamps for 2,500 hours, at a cost of \$25 per lamp, the lamps to be lighted and extinguished on time-table to be furnished by the City Civil Engineer.

During our investigation of the location of the street lamps, it has become evident to your committees that a personal inspection of all the lamps now lighted, and to be lighted, should be made at once, by your committees, with a view to so re-adjust the same as to better accommodate the public.

It should be understood that the cost of re-lighting the 200 lamps, or the changing of the lighting of other lamps, as designated by your committees, will add no additional expense to the city, as the gas company agree to make any such change without extra charge.

It will be readily seen that the lighting of 2,400 lamps for 2,500 hours is in exact proportion to lighting 2,200 lamps for 2,600 hours, and that we pay the same rate for gas the coming year that we paid for the past.

In accordance with the above, we herewith transmit the contract of the Indianapolis Gas-Light and Coke Company, which we recommend be signed by the Mayor.

Very respectfully submitted,

T. E. Chandler,
D. W. Grubbs,
John Newman,
C. F. Rooker,
F. W. Hamilton,
M. H. McKay,
Joint Committee.

The following clauses in the report from the Council Committee on Opening, etc., Streets and Alleys, together with the appended resolution

[which had been duly concurred in and adopted by the Common Council—see pages 269 and 270, *ante*], were read; and then, on Alderman Newman's motion, said clauses and resolution were referred to the Aldermanic Committee on Streets and Alleys:

3. Is a communication from the City Clerk, in which it is stated that the "Brothers of the Sacred Heart" refuse to pay any part of the expenses of the proceedings in the proposed vacation of a part of the first alley south of Coburn street, in Daugherty's Subdivision of a part of out-lot 99, in defiance of the provision in the Act of March 17th, 1875, which reads—"All the expenses of such proceedings [vacations] shall be paid by said petitioners, unless the Common Council shall otherwise direct."

The "Brothers of the Sacred Heart" and one Isaac Foster are the only petitioners for the vacation of aforesaid portion of the alley described above. In addition to their refusal to pay any part of the expenses of the vacation proceedings, your committee is informed that the portion of the alley asked to be vacated is enclosed at each end by fences, and the public is thus cut off from its rightful use. Your committee recommends that the City Marshal be ordered to forthwith remove the obstructing fences, so that the general public may no longer be hindered from its proper, full, and free use of the entire length of the alley, and that no further proceedings be had looking to its vacation.

4. Is a petition from The. P. Haughey and eleven others, to have immediate proceedings taken in the matter of laying out and extending Fifth street, from its present western terminus, at east end of bridge over the canal, to the Michigan Road, accompanied by a plat of the proposed extension.

We offer the appended resolution, making reference of this case to the City Commissioners, when certain conditions precedent are fulfilled, and not otherwise, and recommend the adoption of such resolution.

Resolved, That the matter of laying out and extending Fifth street, from its western terminus, at the east end of the bridge over the canal, to the Michigan Road, together with the petition and plat presented in such case, be referred to the City Commissioners, for their action thereon, as soon as a sufficient number of the persons who have signed aforesaid petition shall file in the office of the City Clerk a bond or agreement to hold the City of Indianapolis free and harmless of the payment of any and all damages that may be appraised on account of any and all lands condemned and appropriated in such extension of said Fifth street as prayed.

The following report and resolution from a Joint Aldermanic and Council Select Committee [which had been duly received and adopted by the Common Council—see pages 270 and 271, *ante*], was read:

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

Gentlemen:—Your special committee, to whom was referred the communication from the State Board of Agriculture, asking the co-operation of the city government in extending an invitation to His Excellency, President Hayes, family, and cabinet, to visit our city on Wednesday, October 1st, being the State Fair week, would most respectfully report that we believe the city should join heartily in the invitation, and would recommend that a committee of three (3)—two (2) from the Common Council and one (1) from the Aldermanic Board—be appointed to confer with the State Board, together with such other committees as may be appointed, to make such arrangements for the reception as may seem best for the occasion. We, therefore, recommend the passage of the following resolution and invitation:

Resolved, That His Excellency, President R. B. Hayes, family, and cabinet be, in behalf of the City of Indianapolis, invited to visit our city during the Fair week, and that His Honor, Mayor Caven, be requested to visit Washington in behalf of

the city, in connection with the State Board of Agriculture and such other committees as may be selected, for the purpose of carrying out such invitation.

Further, That if His Honor, Mayor Caven, should not be able to go, to appoint some member of the city government to act in his stead.

Most respectfully submitted,

T. E. Chandler,
W. H. Tucker,
Jas. T. Dowling.

The question "Shall the resolution embodied in preceding report be adopted?" failed of adoption by the following vote:

AYES, 2—viz. Aldermen Chandler and Drew.

NAYS, 4—viz. Alderman Coburn, Mussmann, Newman, and Seibert.

Report from the Coburn Investigation Committee and the appended statement and affidavit [see pages 275 to 277, *ante*] were read; and this body duly concurred with the Common Council in its favorable action upon the finding and recommendation of said committee.

Petition from the Indianapolis Rifles, asking permission to erect and maintain a grand triumphal arch over Washington street, at intersection of Meridian street, during its picnic and gala-days, on 28th and 29th instant, was read; and this body concurred in the action of the Common Council, in granting the prayer of said petitioners, but added to such permit, on Alderman Coburn's motion, the following requirement: "*Provided* said petitioners shall restore such street to its original condition when through with the use thereof."

The following resolution [which had been duly adopted by the Common Council—see page 263, *ante*] was read:

WHEREAS, The Common Council and Board of Aldermen of the City of Indianapolis have been fully convinced that the proceedings "in the matter of opening and extending Winston street, from the present northern terminus of said street to St. Clair street," are grossly inaccurate;

AND WHEREAS, It has been clearly shown to us that one Henry Reinken (then owner) was wrongfully assessed \$700 as benefits accruing to lot 16, P. & I. Railroad Company's Sub. of out-lot 43, by approval of the report from the City Commissioners, on July 3d, 1876;

AND WHEREAS, The true facts of this case are accurately set out in the amended petition of Mrs. Catharine Reinken (now owner of said lot 16), on pages 192 and 193 of the Council Journal of the present year: Therefore, it is

Resolved, That aforesaid assessment is hereby revoked and annulled, and said lot 16 is relieved therefrom. The City Treasurer is directed and ordered to cancel this claim on his "Record of Benefits and Damages."

And it was duly adopted by the following vote:

AYES, 6—viz. Aldermen Chandler, Coburn, Drew, Mussmann, Newman, and Seibert.

NAYS--None.

The following resolution [which had been duly adopted by the Common Council—see page 274, *ante*], was also read :

Resolved, That the Street Commissioner be directed to notify the owners of the land along the line of the old bed of Fall Creek, from the Patterson levee to Washington street, to clear the old channel of Fall Creek of all obstructions to the flow of water, and to fill up all holes found upon said land containing stagnant water, or containing water that may become stagnant.

If said owners fail or refuse to obey such notice, the Street Commissioner is authorized and directed to clear out said channel, and fill up said holes, as aforesaid found upon said property, at the expense of the owners thereof, *provided* that the amount so expended during this year shall not exceed ten per cent. of the value of the property on which the improvements may be made, *and provided* that the whole amount so expended shall not exceed the sum of five hundred dollars.

And it was duly adopted by the following vote :

AYES, 6—viz. Aldermen Chandler, Coburn, Drew, Mussmann, Newman, and Seibert.

NAYS—None.

The following resolution [which had been duly adopted by the Common Council—see page 280, *ante*], was also read :

WHEREAS, The City Commissioners, in their amended report of April 21st, 1879, appraised the damages arising from the extension of John street, from Peru avenue to Massachusetts avenue, at \$1,900, and found that the City of Indianapolis should pay that full amount ;

AND WHEREAS, Aforesaid report and finding was duly and formally approved by the Common Council and Board of Aldermen on May 5th and 6th, 1879; Therefore, be it now

Resolved, That the City Treasurer forthwith tender the appraised damages to the parties to whom the same were awarded, that the City Civil Engineer set the line stakes for the new street, and that the extension of said John street be otherwise immediately prosecuted and perfected.

And it was duly adopted by the following vote :

AYES, 6—viz. Aldermen Chandler, Coburn, Drew, Mussmann, Newman, 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 Aldermanic and Council Committees on Water, in connection with the Fire Board and City Attorney, confer with the president and officers of the Water-Works Company, for the purpose of devising some general plan for sprinkling the streets of the city from the plugs or hydrants now in use, or hereafter to be used, once each day during dry and dusty times in the months of June, July, August, September, and the first two weeks of October, in each year, and report the most practicable plan, and at what cost per lineal foot of street such sprinkling can be done, and the best way for making collections from the persons benefited.

That the City Civil Engineer be instructed (within three days) to give the line and set the stakes for the German Protestant Orphan Society, for the purpose of building a stone wall on the south side of Pleasant Run, upon their grounds and at their own expense.

That the City Clerk give legal notice of the meeting of the Board of Equalization, to be held on the 20th of August.

WHEREAS, The annual report from the City Civil Engineer, submitted on May 6th and 7th, 1878 [see pages 945 and 401, Journals of Common Council and Board of Aldermen for 1877-1878], is a brief document, and yet contains information worthy of preservation in other form than in manuscript on the files; Therefore,

It is ordered by the Common Council and Board of Aldermen of the City of Indianapolis, That before-mentioned report be forthwith published as appendix-matter to the Journals of 1878-1879.

The following motion, which the Common Council had referred to the Joint Committees on Public Light, with power to act, was read; and this body duly approved such reference and power:

That the City Civil Engineer be, and is hereby, directed to re-advertise for bids for lighting West street, between Georgia street and Kentucky avenue, with gas.

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:

- S. O. 12, 1879—An Ordinance to provide for grading and graveling Madison avenue, from Nebraska street to the Jeffersonville, Madison & Indianapolis Railroad tracks.
- S. O. 19, 1879—An Ordinance to provide for grading and graveling the Alley between McCarty and Sinker streets, from the first alley west of New Jersey street to the first alley east of Alabama street.
- S. O. 21, 1879—An Ordinance to provide for grading the first Alley north of Maryland street, from Benton street to the first alley east of Benton street.
- S. O. 22, 1879—An Ordinance to provide for grading, and paving with brick (except where already paved) the south sidewalk of St. Mary street, from Alabama street to Delaware street.

The following message from the Common Council was then read:

To the Board of Aldermen of the City of Indianapolis:

Gentlemen:—The Common Council, at its regular session, held on Monday evening last, July 21st, refused to appoint any of its members on the Reed Committee of Investigation, and insisted on its action of the 14th instant, when it adopted the resolution declaring the office of City Civil Engineer vacant.

I report the foregoing proceedings for your further consideration and action.

For the Common Council:

BENJ. C. WRIGHT, City Clerk.

By consent, Alderman Newman was permitted to present the following communication; which was read, and then, on Alderman Seibert's motion, it was laid on the table:

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

Gentlemen:—Under great and lasting obligation to you heretofore, for your liberal and manly conduct, I hope you will not consider me impertinent or officious in again calling your respectful attention to my case.

I understand that the reasonable and honorable proposition submitted by your body to the Common Council, at its last meeting, to appoint a Joint Committee of Investigation upon my case, and allow the charges to be examined by such com-

mittee, and allow me the commonest privilege of the poorest criminal, to defend myself, was not even debated or allowed to be discussed by the Council, but was kicked aside in a hurry, and their former action re-confirmed.

Under the circumstances, and feeling that you, as well as myself, have been hastily mistreated, I desire to say that having sought legal advice, I am satisfied I can not be displaced from my office without an investigation and charges made of record, and a decision of a majority your body and that of the Council against me, after these charges have been examined. I do not desire litigation or to make the city liable in damages for arbitrarily removing me from office without trial on charges and cause shown by record. But if I am not allowed the common and just right of an investigation, and am driven to the wall without trial, I shall have to appeal to the Courts.

In view of this position, I request that you shall refer the whole question to the City Attorney, for his decision as to Whether I can be removed without investigation and trial or not? and Whether an arbitrary resolution can remove me from office under the provisions of the city charter, and after I have accepted the office and my bond has been filed and approved.

Believing that your body desires, and intends, to do justice, I am, with respect,
yours,

THADDEUS REED, City Engineer.

On Alderman Coburn's motion, the further consideration of preceding case was postponed until next session of this body.

PENDING ORDINANCES.

Appropriation Ordinance 46, 1879, and General Ordinances 34 and 37, 1879, were taken from the files, and were severally read the second time.

On Alderman Coburn's motion, the following entitled ordinance was referred to the Judiciary Committee and the City Attorney:

G. O. 34, 1879—An Ordinance to regulate the Establishment, Maintenance, and Operation of Hospitals within the City of Indianapolis.

The following entitled ordinance was then read the third time:

Ap. O. 46, 1879—An Ordinance appropriating the sum of Five Thousand Dollars, on account of the Street-Repairs Department of the City of Indianapolis.

And it was duly passed by the following vote:

AYES, 6—viz. Aldermen Chandler, Coburn, Drew, Mussmann, Newman, and Seibert.

NAYS—None.

The following entitled ordinance was also read the third time:

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)."

And it was duly passed by the following vote :

AYES, 5—viz. Aldermen Chandler, Drew, Mussmann, Newman, and Seibert.

NAYS, 1—viz. Alderman Coburn.

On motion, the Board of Aldermen then adjourned.

T. E. CHANDLER, Vice-President.

Attest: GEO. T. BREUNIG, Clerk.