

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—FEBRUARY 4, 1880.

The Board of Aldermen of the City of Indianapolis met in the Aldermanic Chamber, on Wednesday evening, February 4th, A. D. 1880, at seven o'clock, in regular session.

PRESENT—His Honor, the President, J. M. Ridenour, in the Chair, and Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, and Seibert—8.

ABSENT—Aldermen Coburn, and Grubbs—2

The proceedings of the Board of Aldermen, for the regular session, held on January 7th, 1880, having been printed, and placed on the desks of the Aldermen, said proceedings were approved as published.

MESSAGES AND PAPERS FROM THE COMMON COUNCIL.

The following message was read and received :

To the President and Members of the Board of Aldermen :

Gentlemen :—The Common Council, at a regular session, held on February 2nd, 1880, determined to adhere to its action of January 19th, 1880, when it adopted a certain resolution providing for the expenditure of \$200 for a horse and vehicle for use of the Chief of Police. For the Common Council.

JOS. T. MAGNER, City Clerk,

On motion by Alderman Mussmann, this body determined to adhere to its non-concurrent action of January 21st, 1880.

The following message was read and received :

To the President and Members of 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 on Monday evening, February 2d, 1880, for your action upon same.

For the Common Council.

JOS. T. MAGNER, City Clerk.

The following report from the City Civil Engineer was read; and this body concurred in the action of the Common Council (see page 845, ante) in receiving the report, and in approving the accompanying estimate:

To the Common Council of the City of Indianapolis:

Gentlemen:—I herewith report the following estimate: A first and final estimate in behalf of John Schier, for grading, and paving with brick (where not already paved) the east sidewalk of Park avenue, from Cherry street to Christian avenue, 286 lineal feet, at 31 cents \$73 16.

Respectfully submitted,
R. M. PATTERSON, City Civil Engineer.

The following estimate resolution (which had been adopted by the Common Council—(see page 845, ante) was read:

Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the foregoing first and final estimate, in behalf of John Schier, for grading and paving with brick (where not already paved), the east sidewalk of Park avenue, from Cherry street to 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 adopted by the following vote:

AYES, 6—viz. Aldermen Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following report from the City Civil Engineer was read; and this body concurred in the action of the Common Council (see page 846, ante) in receiving the report, concurring in the contract and approving the bond:

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

Gentlemen:—I herewith report the following contract and bond for your consideration and action thereon:

Contract and bond of William Morrisoh, for grading and graveling the second alley west of Noble street, from Lockerbie street to New York street. Bond, two hundred dollars; surety, John Schier.

Respectfully submitted,
R. M. PATTERSON, City Civil Engineer.

The following report from the City Clerk was read:

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

Gentlemen:—I herewith report the following affidaviss, now on file in my office for the collection of street assessments by precepts, to-wit:

Fred. Gansberg vs. Ernst Acherman, for	\$17 49
Fred. Gansberg vs. William Yeager, for	19 87
Fred. Gansberg vs. Samuel E. Kennedy, for.....	19 87
Dunning & Hudson vs. James H. Roosevelt, for	35 20
David A. Haywood vs. William H. Morrison, for.....	15 25
James Mahoney vs. Christian J. Karle, Jr., and Geo. J. Rosebrock's heirs, viz: Maria Thees and C. H. Thees, her husband; Joachim H. Rose-	

brock, Herman H. Rosebrock, J. Frederick Rosebrock and C. Henry Rosebrock, for..... 24 27

And recommend that you order the precepts to issue.

And this body concurred in the action of the Common Council (see page 846, *ante*), in ordering the precepts to issue, by the following vote :

AYES, 6—viz. Aldermen Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following report from the City Clerk was read :

To the Mayor, Common Council and Board of Aldermen :

Gentlemen:—I herewith report the following affidavits, now on file in my office, for the collection of street assessments by precepts, to-wit:

James W. Hudson vs. Warren and Helen J. Tate, for	\$ 7 83½
James W. Hudson vs. Warren and Helen J. Tate, for.....	7 83½
James W. Hudson vs. Warren and Helen J. Tate, for.....	7 83½
James W. Hudson vs. Mary L. Lee, for.....	7 83½

And recommend that you order the precepts to issue.

Respectfully submitted,

JOS. T. MAGNER, City Clerk.

And this body concurred in the action of the Common Council (see page 850, *ante*), in ordering the precepts to issue, by the following vote :

AYES, 6—viz. Aldermen Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

Report from the City Treasurer, in relation to the vacation of Bobbs street (see page 848, *ante*), was read and approved.

Report from the Superintendent of the City Hospital and Branch, for the month of January, 1880 (see page 849, *ante*), was read and received.

Report from Fire Board and Committees on Water, in relation to new contract with the Water Works Company, was read; and this body concurred with the Common Council (see pages 855 and 56 *ante*), in approving such report.

The following clause in the report from the Police Board was read; and this body concurred in the action of the Common Council thereon (see page 856, *ante*):

2d. Is a motion directing the Police Board to confer police powers on flagmen at the several railroad crossings in this city.

We deem it inexpedient to confer police powers to individuals promiscuously. It has heretofore, and will be in the future, our practice to accommodate all railroads when they recommend persons with proper discretion to entrust with police powers. We therefore recommend that the motion, so loosely guarded, be reconsidered and rejected.

Report from the Board of Public Improvements, giving a statement of expenditures on account of the Street Repairs Department, for the month of January, 1880 (see page 856, *ante*), was read and received.

The following clauses in the report from the Board of Public Improvements were read; and this body concurred in the action of the Common Council (see page 857, *ante*), in concurring in the 1st clause. The third clause was received:

1st. Is a motion that the crossing of Pearl street, on the east side of Illinois street, between Washington and Maryland streets, be improved by putting down a double stone crossing.

On examination, we find this to be a much needed improvement, and recommend the work be done.

3d. Is a motion that the Board of Public Improvements and Street Commissioner be requested to report to this Council the probable amount it requires to scrape and clean the mud gutters of the city per year; what part of the estimates made for the street department.

We have made a careful estimate for seven months, and find the cost of cleaning mud or dirt gutters in the aggregate to be \$5,807.88, or \$829.69 per month, which would make the total expenses for the year, taking the average per month of the past seven months as a basis, \$9,956.28, or nearly one-third of the whole amount estimated for the street repair department. The cost of cleaning bowldered and wooden gutters for the same time is \$1,848.49; average cost per month \$264.07; total cost per year, \$3,168.84.

Report from the Superintendent of the City Dispensary, for the month of January, 1880 (see page 858, *ante*), was read and received.

Report from the Board of Health, giving a tabulated statement, by ages, of deaths registered in the City of Indianapolis, from January 16th, to 31st, 1880, (see page 858, *ante*), was read and received.

The third and fourth clauses in the report from the Committee on Judiciary (see page 859, *ante*), were read; and this body concurred with the Common Council in approving the recommendations contained therein.

The following resolution (adopted by the Common Council—see page 861 and 2, *ante*) was read:

Resolved, That the Police Board be, and are hereby, instructed to promptly relieve from duty any police officer who shall purposely procure, or attempt to procure, himself to be made a witness in any case; also, where said Board has good and satisfactory reasons to believe any officer shall have made an arrest for the purpose of making himself a witness, and not for the public good; and, also, for receiving a witness fee when not present to testify.

And it was concurrently adopted by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The first clause in the report from the Conference Committee (see page 863, *ante*), was read and concurrently approved.

The following resolution (adopted by the Common Council—see page 868, *ante*), was read :

Resolved, That the owners of the following described real estate, to-wit: Lot No. ten (10,) in Vajen's subdivision of outlot No. one hundred and eight (108,) in the city of Indianapolis, be, and they are hereby, required to fill or drain the same, as, in the opinion of the Common Council and Board of Aldermen, there is a hole or excavation thereon, in which water has or may become so stagnant or noxious as to be a nuisance and injurious to the health and comfort of said city and of the inhabitants thereof; and that the Street Commissioner be, and he is hereby, required to notify the owners thereof, as provided by an ordinance passed April 28, 1866, entitled: "An ordinance providing for the drainage and filling up of ponds, excavations and holes, and prescribing penalties for the failure to fill up or drain the same," and that in case of the failure of the owners thereof to fill or drain the same, the Street Commissioner proceed to fill or drain the said hole or excavation as provided in said ordinance; *Provided*, that the cost thereof shall not exceed ten per cent. of the value of the aforesaid real estate, as assessed upon the tax duplicate for city purposes.

And it was concurrently adopted by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

The following motions (adopted by the Common Council), were read, and were concurrently adopted :

That the City Marshal be directed to notify the Indianapolis, Cincinnati and Lafayette Railroad Company to repair with planking their tracks, at the crossing of Maryland street, corner of Missouri street.

That the City Marshal be requested to notify the Union Railway Company to repair the crossing on the west side of Illinois street, by extending the planking on said crossing; and if not done in ten days, the Street Commissioner be instructed to do the work at the expense of said Union Railway Company,

That the Street Commissioner cause the railroad cars left standing on Peru avenue, between North street and St. Clair street, to the damage of citizens on said avenue, to be at once removed.

That the Street Commissioner notify the Western Union Telegraph Company to remove their telegraph poles now lying in the streets and gutters.

That the Street Commissioner be directed to fill old well, on lot now occupied by old school house, on East street.

The following entitled ordinances (passed by the Common Council) were read the first time :

G. O. 4, 1880—An ordinance granting Charles T. Gilmore a license to carry on, maintain and exhibit a Museum and Menagerie in the city of Indianapolis.

- S. O. 1, 1880—An ordinance to provide for grading and graveling the first alley north of Buchanan street, from Greer street to East street.
- S. O. 11, 1880—An ordinance to provide for grading and graveling the alley between Brookside avenue and Pendleton road, from the first alley northeast of the intersection of Clifford avenue and Pendleton road, to the second alley northeast of said intersection.
- S. O. 14, 1880—An ordinance to provide for grading and graveling the second alley south of South street, from School street to Noble street.
- Ap. O. 7, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
- Ap. O. 8, 1880—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, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station Houses.
- Ap. O. 10, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis.
- Ap. O. 11, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, Advertising, and City Statistics.

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

- Ap. O. 7, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of the Fire Department.
[Amount appropriated, \$927.09]

And it was passed by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

- Ap. O. 8, 1880—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, \$743.94.]

And it was passed by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

Ap. O. 9, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Station-Houses. [Amount appropriated, \$160.02.]

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

Ap. O. 10, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis. [Amount appropriated, \$10,127.44.]

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

Ap. O. 11, 1880—An Ordinance appropriating money for the payment of sundry claims against the City of Indianapolis, on account of Printing, Stationery, Advertising, and City Statistics. [Amount appropriated, \$649.56.]

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

REPORTS, ETC., FROM COMMITTEES.

The Committee on Sewers and Drainage, through Alderman Seibert, submitted the following report; which was concurred in :

Indianapolis, Ind., February 4th, 1880.

To the Board of Aldermen of the City of Indianapolis :

Your Committee on Sewers, and City Attorney, to whom was referred General Ordinance No. 58, 1879, beg leave to report that they have examined said ordinance, and would recommend that the same do pass.

Respectfully submitted,

Hiram Seibert,

W. F. Piel,

H. E. Drew,

Committee on Sewers.

JOHN A. HENRY, City Attorney.

Alderman Seibert, in behalf of certain official Boards, submitted the following report; which was concurred in :

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

Gentlemen:—The Board to whom was referred the bill of the Indianapolis Telephone Exchange, would report that they do not consider the same a just demand against the city, there being no contract for the use of instruments. And further, that they consider that the privilege now enjoyed by said company, in the use of the streets of the city, more than fully compensate for the use of the telephone by all city offices and departments. We would therefore recommend that this bill now on file, be referred to the Committee on Accounts and Claims and the City Attorney, for investigation; and if said committee and attorney can not make arrangements with said company for the free use of the telephone in all city offices and departments and office of Superintendent of Public Schools, where the same may seem necessary, that the bill, when corrected, be paid, and that said Telephone Company be deprived the further use of the streets and alleys of the city.

Respectfully submitted.

D. W. Grubbs,
John T. Downey,
Geo. P. Wood,
Board of Police.

H. G. Carey,
Hiram Seibert,
Dispensary Board.

Alderman Piel offered the following motion; which was adopted:

That the Fire Board and Chief Fire Engineer be instructed to consider the feasibility of keeping the City Civil Engineer's horse at the Fire Department stables.

PENDING ORDINANCES.

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

G. O. 58, 1879—An Ordinance amending section 2 of an ordinance entitled "An Ordinance to provide for Tapping Public Sewers and Drains, and making connection therewith," ordained October 30th, 1871.

And it was passed by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

G. O. 1, 1880—An Ordinance respecting the erection of a Market, Hall, and City Offices, on the east market place; appointing Commissioners to advertise for and select plans, defining their duties, and appropriating money to defray the necessary expenses thereof.

And it failed to pass by the following vote:

AYES, 2—viz. Aldermen Seibert, and President Ridenour.

NAYS, 6—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, and Piel.

The following entitled ordinance was read the second time :

G. O. 3, 1880—An Ordinance regulating the obstruction of sidewalks with signs goods, etc., across any sidewalk in the City of Indianapolis.

On motion by Alderman Layman, the above entitled ordinance was referred to the Committee on Ordinances and City Attorney, with instructions to report thereon at the next regular meeting.

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

S. O. 4, 1880—An Ordinance to provide for grading and graveling the first alley east of Shelby street, from the first alley south of Prospect street to its southern terminus, and repealing S. O. No. 16, 1879.

And in was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

S. O. 5, 1880—An Ordinance to provide for bowldering the alley between Meridian and Illinois streets, from Maryland street to Georgia street.

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

S. O. 6, 1880—An Ordinance to provide for grading, and paving with brick the north sidewalk of St. Clair street, from East street to Park avenue.

And it was passed by the following vote :

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

S. O. 7, 1880—An Ordinance to provide for paving with brick, (where not already paved,) the northwest sidewalk of Massachusetts avenue, from St. Clair street to Cherry street.

And it was passed by the following vote :

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AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

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

S. O. 8, 1880—An Ordinance to provide for grading and graveling Railroad street and sidewalks, from North street to St. Clair street.

And it was passed by the following vote:

AYES, 7—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, and Seibert.

NAYS, 1—viz. President Ridenour.

The following entitled ordinance was read the third time:

G. O. 56, 1879—An ordinance to provide for the prevention of frauds in the sale of Flour, Hay, and Produce in the City of Indianapolis.

And it was passed by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS—None.

On motion by Alderman Piel, the rules were suspended by the following vote, for the purpose of placing G. O. 4, 1880, and S. O. 1, 11, and 14, 1880, on their second and third reading and final passage, viz:

AYES, 7—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, and President Ridenour.

NAYS, 1—viz. Alderman Seibert.

The following entitled ordinance was read the second time:

G. O. 4, 1880—An Ordinance granting Charles T. Gilmore a license to carry on, maintain and exhibit a Museum and Menagerie in the city of Indianapolis.

On motion by Alderman Chandler, the ordinance was amended by substituting the words "one hundred dollars" for the words "twenty-five dollars." The ordinance as amended was ordered engrossed, read the third time, and passed by the following vote:

AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.

NAYS--None.

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

- S. O. 1, 1880—An Ordinance to provide for grading and graveling the first alley north of Buchanan street, from Greer street to East street.

And it was passed by the following vote :

- AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.
 NAYS—None.

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

- S. O. 11, 1880—An Ordinance to provide for grading and graveling the alley between Brookside avenue and Pendleton road, from the first alley northeast of the intersection of Clifford avenue and Pendleton road, to the second alley northeast of said intersection.

And it was passed by the following vote :

- AYES, 8—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, Seibert, and President Ridenour.
 NAYS—None.

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

- S. O. 14, 1880—An Ordinance to provide for grading and graveling the second alley south of South street, from School street to Noble street.

And it was passed by the following vote :

- AYES, 7—viz. Aldermen Chandler, Drew, Layman, Mussmann, Newman, Piel, and President Ridenour.
 NAYS, 1—viz. Alderman Seibert.

Alderman Layman offered the following motion ; which was adopted:

That the Committee on Streets and Alleys, with same committee from the Common Council, confer as to the necessity of bowldering gutters and curbing, on all new street improvements; also, all gutters in central part of the city. (Refer the committee to the report of Board of Public Improvements on cleaning streets, for information.)

On motion, the Board of Aldermen then adjourned.

J. M. RIDENOUR, President.

Attest: GEO. T. BREUNIG, Clerk.