

PROCEEDINGS OF BOARD OF ALDERMEN.

REGULAR SESSION—MARCH 27, 1882.

The Board of Aldermen of the City of Indianapolis, met in the Aldermanic Chamber, Monday evening, March 27th, A. D. 1882, at half-past seven o'clock, in regular session.

PRESENT—Hon. James T. Layman, President of the Board of Aldermen, in the Chair, and Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, and Tucker—9.

ABSENT—Alderman Wood—1.

The Proceedings of the Board of Aldermen for the regular session, held March 13th, 1882, having been printed and placed on the desks of the Aldermen, said Journals were approved as published.

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, favorably passed upon by the Common Council, at its regular session, held on Monday evening, March 20th, 1882, for your action upon the same.

For the Common Council:

Jos. T. MAGNER, City Clerk.

The following clauses of the report from the Committee on Contracts were read, and the favorable action of the Common Council thereon (see pages 1295 and 1296, *ante*), was concurred in:

3d For erecting two lamp posts, lamp and fixtures, complete to burn gas, except service pipes, on Merrill street, between Delaware street and Pennsylvania street. The lamp-frames to be according to plans and specifications on file in the office of the City Civil Engineer of said city.

Anshaensel & Strong, \$21.25 per lamp-post.

We recommend the contract be awarded said firm.

4th. For constructing one 1,200-barrel cistern, at or near the intersection of Church and Morris streets, according to plans and specifications on file in the office of the City Civil Engineer of said city.

August Rich'er, 75 cents per barrel.

F. J. Blume, 63 cents per barrel.

C. S. Roney, 60 cents per barrel.

John A. Whitsit, 59 cents per barrel.

D. A. Haywood, 59 cents per barrel.

There being two bids for the same price, and believing them low and reasonable, we recommend the contract be awarded to D. A. Haywood.

The following report of the City Assessor was read, and the favorable action of the Common Council thereon (see page 1297, *ante*), was concurred in :

Indianapolis, March 20th, 1881.

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

2 *Gentlemen*:—I herewith submit the following named persons to act as Deputy City Assessors, for your confirmation: G. R. Rhodes, C. D. Shilling, James H. Perry, A. B. Prather, W. T. Elliott, W. M. Adams, O. F. Bowman, Joseph E. Morrow, C. F. Duncan, L. J. Bradley, C. E. Clark, Samuel Magner, W. H. Phillips, Charles Stipp, Edwin Carpenter, Geo. H. Wallace, Sam. L. Null, John L. Evans, Denton Merwin, John W. Miller, Chas. E. Finney, John B. Poirier, Henry Schultz and H. M. Hadley.

Respectfully submitted,

M. F. CONNETT, City Assessor.

The following report of the City Attorney was read, and the favorable action of the Common Council thereon (see pages 1297 and 1298, *ante*), was concurred in :

Indianapolis, March 20, 1882.

To the Mayor, Common Council and Board of Aldermen :

4 *Gentlemen*:—Since the last meeting of the Council, the case of *The City vs. Henry Kollman*, has been decided by the Supreme Court, affirming the judgment of the lower court, the same being in favor of Kollman against the city, for \$500.00 and costs. The case had been briefed, and the papers were in the hands of the court at the time my term of office commenced, so that I have never had an opportunity of examining the legal questions involved, but have been sufficiently advised of the same to convince me that a rehearing could not be obtained, and will not, therefore, file a petition therefor, unless so ordered by your honorable bodies.

The case of *William H. Morrison, deceased, vs. The City, et al.*, has also been decided by the Supreme Court, affirming the judgment of the lower court, in favor of the city. This was an action to enjoin the collection of taxes on 160 shares of \$100 each of bank stock. The estate of said Morrison will now have to pay said taxes, with penalties and interest.

I have likewise the honor to report that, in pursuance to the instructions of your honorable bodies, a number of the members of the judiciary committees of the two bodies and myself, met with the Board of School Commissioners and the representatives of Wm. M. Wiles' estate, and settled the case of said School Commissioners vs. The City and said estate, by allowing judgment to be entered against the city and said estate for \$3,264.40, and costs; and by agreement entered of record, the estate of Wiles is to pay \$1,000.00 thereof, and the city the residue. The total amount due, including interest, at date of settlement, was about \$6,200.00; so that, considering the \$1,000.00 of said amount paid by the Wiles estate, the city gets off with about one-third of the amount she was legally liable for. The Supreme Court settled every question in the case against the city. See decision in 74 Ind., 133. As between the city and the estate of Wiles, there was no question but that the city was primarily liable for the whole amount. All the members of the two committees, who were present, agreed to the settlement, and think, as I do, that it was a good compromise. I respectfully ask that the action of your committees and myself, be approved.

Respectfully,

C. S. DIX, City Attorney.

The following clauses of the report from the Fire Board were read, and the favorable action of the Common thereon (see pages 1298 and 1299, *ante*), was concurred in:

2d. Is a motion to change location of fire-alarm box No. 415.

We recommend that it be changed from its present location (the ruins of Ferguson Pork House,) to corner of Morris and Church streets.

We would also report that the Board has ordered the repair of the Skinner Truck. We consider this Truck, with Hook and Ladder attachment, too heavy for ordinary use, as a Hook and Ladder, and recommend that you authorize the Board to store the same (when repaired,) at No. 7 Engine House, to be run out only when occasion requires it, and to purchase a new Hook and Ladder Truck to take its place at No. 2 House, on South street.

The following report of the Board of Public Improvements was read, and the favorable action of the Common Council thereon (see page 1298, *ante*), was concurred in:

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

Gentlemen:—I hereby respectfully petition your honorable bodies to grant me ninety days additional time from February 1st, 1882, to complete my contract for bowldering the gutters of Morrison street, between Alabama street and Delaware street. I have not been able to complete said contract in the time given, for the reason that a satisfactory job of bowldering could not have been done this winter.

FRED. GANSBERG.

STATE OF INDIANA, *Marion County, ss:*

Fred. Gansberg, upon oath, says that the matters set forth in the above, are true.

FRED. GANSBERG.

Sworn to this 20th day of March, 1882.

[Seal.]

WM. C. PHIPPS, Notary Public.

The undersigned, members of the Board of Public Improvements, having examined and considered the above petition, recommend that the prayer thereof be granted.

Respectfully submitted,

Edward H. Dean,
Wm. H. Morrison,
John R. Cowie,

Board of Public Improvements.

The mortality report of the Board of Health (see page 1299, *ante*), was read and received.

The following report of the Finance Committee was read, and the favorable action of the Common Council thereon (see page 1301, *ante*), was concurred in:

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

Gentlemen:—Your Finance Committee has examined the books of the City Treasurer and City Clerk, for the months of January and February, and find them correct, according to their itemized reports presented to this body, and referred to our committee for examination, and would recommend the same be approved.

Respectfully submitted,

John R. Pearson,
E. H. Koller,
Isaac Thalman,
Frederick Hartmann,
B. Ward,

Committee on Finance

The following report of the Committee on Public Property (see page 1304, *ante*), was read, and referred to the Committee on Markets and Public Property:

Indianapolis, March 20th, 1882.

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

Gentlemen:—Your Committee on Public Property, met in the City Clerk's office on March 11th, 1882, for the purpose of opening and considering proposals for the lease or purchase of the property known as the "Sellers Farm." Only one bid was submitted, F. G. Wiselogel, Secretary of the Indianapolis Fertilizer Co., proposing to pay an annual rental of \$1,000.00 for two or five years for the lease of the said farm. No bid was submitted for the purchase of the farm.

Believing the above proposition a good one, and that the farm can not be sold to good advantage at the present time, we recommend that the farm be leased to the said Indianapolis Fertilizer Co. for the term of two years; and that the City Attorney be, and is hereby, instructed to prepare lease to be signed by said company and the Mayor.

Respectfully submitted,

Geo. P. Wood,
H. E. Drew,
Aldermanic Committee.

John R. Cowie,
John W. Fultz,
Win. H. Morrison,
Council Committee.

The following report of the Committee on Railroads (see page 1305, *ante*), was read; and, on motion by Alderman Tucker, was referred to the Committee on Judiciary, Ordinances and Rules:

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

Gentlemen:—Your committee to whom was referred the following motion:

"That the Union Railway Company and the Frank Bird's Transfer Company be permitted to make arrangements, under the existing ordinance, so as to allow a man to be stationed in the Union Depot, who will be placed there to attend to the baggage consigned to the Frank Bird's Transfer Company."

Respectfully report in favor of the motion.

Respectfully submitted,

N. Yoke,
John R. Pearson,
Committee on Rail Roads.

The following entitled ordinance (passed by the Common Council) was read the first time:

Ap. O. 19, 1882—An Ordinance appropriating money for the payment of the salaries and compensation of the members of the Common Council and Board of Aldermen, of the city officers, and officers and members of the Fire and Police Departments of the city of Indianapolis. [Amount appropriated, \$32,572.25.]

Alderman Rorison moved to suspend the rules for the purpose of placing the foregoing ordinance on its final passage.

Which motion was adopted, and the rules suspended by the following vote:

AYES, 8—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

Ap. O. 19, 1882, was then read the second and third times, and passed by the following vote:

AYES, 8—viz. Aldermen Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

NAYS—None.

REPORTS, ETC., FROM STANDING COMMITTEES.

The Committee on Judiciary, Ordinances and Rules, through Alderman Rorison, submitted the following reports, which were severally concurred in:

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Judiciary, with City Attorney, Engineer and Street Commissioner, to whom was referred the resolution as to violation of ordinances by the Union Mutual and Brush Electric Co., respectfully recommend that further consideration of the same be postponed until action is taken on the repealing ordinance now before the City Council.

Respectfully submitted,

Brainard Rorison,
W. H. Tucker,
John Newman,
Judiciary Committee.

C. S. DENNY, City Attorney.

To the President and Board of Aldermen:

Gentlemen:—Your Committee on Judiciary and City Attorney, to whom was referred the affidavits of S. Keers & Co., and James Mahoney, for the collection of street assessments by precepts against Carrie Newmeyer and others, respectfully report: That they have been unable to see any of the parties except the husband of Carrie Newmeyer. In her case, the contractors made no demand for the money before the affidavit was filed. We respectfully recommend and urge that contractors make more diligent search for those who are assessed before subjecting them to the burdensome cost of precepts.

Respectfully submitted,

Brainard Rorison,
W. H. Tucker,
John Newman,
Judiciary Committee.

C. S. DENNY, City Attorney.

Alderman Hamilton, of the Committee on Railroads and Public Charities, presented the following report:

To the President and Members of the Board of Aldermen:

Gentlemen:—The undersigned, Committee on Railroads and Public Charities, to whom was referred the following resolution:

“Resolved, That the city of Indianapolis does not at present, or in the immediate future, need a \$150 000 central ‘Market House and City Hall,’ or any other expensive improvement; but that said city *does require*, for its permanent prosperity, an economical administration of its affairs, within its income; a system of substantial and durable streets, a low rate of taxation, a reduction of its bonded debt, and the formation of a ‘sinking fund’ for the entire payment of such debt.”

Respectfully recommend that it be adopted by the Board of Aldermen and the Common Council, and that the Finance Committee, with the City Attorney, prepare an ordinance to be introduced in Council, providing for the creation of a sinking fund to liquidate the bonded debt of the city, as it matures.

Respectfully submitted,

F. W. HAMILTON,
Committee on Railroads and Public Charities.

On motion by Alderman Drew, the above report was referred back to the committee by the following vote :

AYES, 6—viz. Aldermen DeRuiter, Drew, Mussmann, Newman, Rorison, and Tucker.

NAYS, 3—viz. Aldermen Hamilton, Seibert, and President Layman.

The Committee on Streets & Alleys and Sewers & Drainage, through Alderman Seibert, submitted the following reports, which were severally concurred in :

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Streets & Alleys and Sewers & Drainage, to whom was referred G. O. 59, 1881, an ordinance to amend an ordinance authorizing the Junction Railroad Company to occupy with their tracks Maryland street, from the east corporation line to Pogue's Run; granting said company the right to lay down and maintain the tracks of their road with all the necessary side switches, not to exceed four across south East street and five across south New Jersey street;

We would report that on examination, we find that said company has already four side tracks crossing New Jersey street, which, in our opinion, is a very liberal grant on the part of the city to said company; therefore, we recommend that the action of the Common Council, in the passage of said ordinance 59, 1881, be not concurred in.

Respectfully submitted,

Hiram Seibert,
D. DeRuiter,
H. E. Drew,

Committee on Streets & Alleys and Sewers & Drainage.

To the President and Members of the Board of Aldermen :

Gentlemen:—Your Committee on Streets and Alleys, to whom was referred the report of Clerk of the Board of Public Improvements, do respectfully report that the same shows the expenditure of \$5,000, the amount of the last appropriation, but does not give a detailed statement of the expenditures in the Street Department, and where the several amounts were used or expended, as contemplated by the motion adopted by this body February 24th.

Your committee would further report that they do not doubt that the Board of Public Improvements do honestly, and in their best judgment expend their appropriations to the best interest of the city; but what this Board of Aldermen desires, is a report showing by item the expenditures in each district for material and labor, and where the work was done.

We therefore recommend that the report be referred back to the Clerk of the Board of Public Improvements, and that he make a report in accordance with the joint resolution adopted by the City Council December 5th, 1881. Your committee do not believe that this body can act and vote intelligently upon these appropriations without such information.

Respectfully submitted,

Hiram Seibert,
H. E. Drew,
D. DeRuiter,

Committee on Streets and Alleys.

Alderman Seibert, in behalf of the Committee on Streets & Alleys and Sewers & Drainage, returned the following entitled ordinance, without recommendation :

G. O. 15, 1882—An Ordinance granting William Pfafflin permission to erect an iron balcony over the sidewalk of Indiana avenue, in front of Lot No. 12, in Square No. 28, in the city of Indianapolis.

INTRODUCTION OF MISCELLANEOUS BUSINESS.

Alderman Hamilton offered the following motion; which was adopted:

That the City Clerk have presented to Council, at the next meeting, the inclosed ordinance, amending Section 3, of "An ordinance granting the Mutual Union Telegraph Co., of New York, the privilege of using the streets of the city," ordained January 16th, 1882

Alderman Rorison offered the following motion; which was adopted:

That the City Civil Engineer be requested to report at the next meeting of this Board, plans and specifications for the removal of the fences around Circle and University Parks, and substituting therefor light stone copings or other lines of demarcation.

Alderman Rorison offered the following motion:

WHEREAS, The Board of trade and Merchants' Exchange have of late, by resolutions and otherwise, shown a disposition to take a fatherly interest in the city government; *And whereas*, owing to the curvature of the spine of the City Marshal, the Council and Board of Aldermen have thus far failed to secure the enforcement of the Cow Ordinance; therefore,

Resolved, That the said ordinance be referred to the Board of Trade and Merchants' Exchange, with an earnest request that they unravel the tangle.

Alderman Mussmann moved to refer the above motion to the Committee on Judiciary, Ordinances and Rules.

Which motion to refer was laid on the table

The motion as offered by Alderman Rorison, was then adopted by the following vote:

AYES, 5—viz. Aldermen DeRuiter, Drew, Hamilton, Rorison, and Tucker.

NAYS, 4—viz. Aldermen Mussmann, Newman, Seibert, and President Layman.

Alderman Tucker offered the following motion, which was adopted; and Aldermen Tucker, Newman and Hamilton appointed as members of such special committee:

That a special committee of three be appointed, and that the Council be, and are hereby, requested to appoint a committee of three, to examine the southeast part of the city, and report to the Council some plan for relieving that section of the surface water.

Alderman Tucker offered the following motions; which were adopted:

That the Committee on Markets see that the amount due the city for Bill Posting at the market spaces, is paid to the city; and if not paid within ten days, to report to the Council, recommending the rescinding of the contract.

WHEREAS, The indications are favorable for a very large gathering of societies, military organizations and visitors, to the Military Encampment to be held in our city during the first week of July; and believing it just and proper for the city government to take a part, and co operate with those of our citizens who have the matter in charge, and to order such aid and assistance as possible to make the Encampment a great success, and for the purpose of furnishing necessary police and fire protections; also, in having the streets leading to the grounds of the Encampment put and kept in good and first-class condition during the Encampment; and also for rendering such other assistance as may be within the power of the city government to render; therefore,

Moved, That a special committee, consisting of the President of this Board and two members, and that the Council be, and is hereby, requested to appoint a special committee of three, together with His Honor, the Mayor, consisting of the Presidents of the Police, Fire and Board of Public Improvements, and that said joint committee co-operate with such committees as may be placed in charge of the arrangements for the Encampment; and that said special committee report to the Council and Board of Aldermen, recommending for adoption such legislation as may be necessary for making the Encampment a grand success in every way possible

Aldermen Tucker and Seibert were appointed to act as members of the special committee as provided for by the foregoing motion.

Alderman Hamilton presented the following remonstrance, which was received:

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

Gentlemen:—We, the undersigned, property owners on Noble street, between Washington and New York streets, respectfully remonstrate against the passage of an ordinance (now pending before your honorable bodies,) for bowldering and curbing the gutters. We hope you will grant our request, and strike the ordinance from the files.

Respectfully,

F. Egebus, 40 ft; Climentine Maur, 80 ft; W. H. English, 200 ft; John D. Prinz, 40 ft; J. H. Aldrich, agent, 75 ft; Mrs. Cath. Blog-teeth, 100 ft; T. A. Goodwin, 120 ft; T. A. Goodwin, 24 ft; Aaron C. Goodwin, by W. A. Bradshaw, agent, 60 ft; Mrs. C. Wenger, 200 ft; Cath. F. Ostermeyer, 100 ft; Abel Schauf, 41 ft; Hervey Krieger, 41 ft; Matthias Paulus, 40 ft; Luzanice E. Stiedel, 40 ft; J. C. Thomas, 25 ft; Martha A. Miller, 40 ft; Wm. H. Keely, 81 ft; Christine Brueggemann, 40 ft; D. A. Bohlen, 40 ft; A. H. Schaendorfe, 81 ft; Ignatz Hurrle, 40 ft; Jos. Staub, 122½ ft; Fr. Thoms, 93 ft; H. Harmony, 40 ft; C. Fred. Vogt, 40 ft; Martin Turprni, 40 ft; Total feet, 1,883½.

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

G. O. 59, 1881—An Ordinance to amend section two of an ordinance authorizing the Junction Railroad Company to occupy with their tracks Maryland street, from the east corporation line to Pogue's Run, and to cross other streets, passed October 28th, 1867.

And it failed to pass by the following vote:

AYES—None.

NAYS, 9—viz. Aldermen DeRuiter, Drew, Hamilton, Mussmann, Newman, Rorison, Seibert, Tucker, and President Layman.

Alderman Rorison moved that the Committee on Railroads and Public Charities be requested to report at the next regular meeting on the resolution referred to them February 27th, 1882, in relation to the erection of a "Market House and City Hall."

Which motion was adopted.

Alderman Rorison moved to reconsider the action of the Board of Aldermen non-concurring in the report of the Judiciary Committee (see pages 1281 and 1282, *ante*), relative to the claim of A. Naltner, garbage contractor, for the month of December, 1881.

Which motion was adopted, and the action of the Board of Aldermen reconsidered by the following vote:

AYES, 5—viz. Aldermen Mussmann, Newman, Rorison, Seibert, and Tucker.

NAYS, 4—viz. Aldermen DeRuiter, Drew, Hamilton, and President Layman.

The report was then referred to the City Attorney, Committees on Contracts and Bridges, Judiciary, Ordinances and Rules.

On motion, the Board of Aldermen then adjourned.

JAMES T. LAYMAN, President.

Attest: GEO. T. BREUNIG, Clerk.

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