

# PROCEEDINGS OF COMMON COUNCIL.

ADJOURNED SESSION—MARCH 8, 1883.

The Common Council of the City of Indianapolis met in the Council Chamber, Thursday evening, March 8th, A. D. 1883, at half-past seven o'clock, in adjourned session.

**PRESENT**--Hon. Daniel W. Grubbs, Mayor, and *ex officio* President of the Common Council in the Chair, and 21 members, viz: Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Weaver, and Yoke.

**ABSENT**, 4--viz. Councilmen Cowie, Harrold, Thalman, and Ward.

By consent, Councilman Dean presented the following communication; which was received, and proposition accepted:

*Indianapolis, March 5, 1883.*

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

*Gentlemen*:—I propose to look up property and credits omitted and not returned for taxation, in the City of Indianapolis, for fifteen (15) per cent. of the amount of taxes actually realized by means of such investigations, no part of said fifteen per cent. to be paid me until the taxes are actually paid into the City Treasury.

Respectfully,

I. N. PATISON, City Treasurer.

## REPORTS, ETC., FROM CITY OFFICERS.

The City Civil Engineer submitted the following report; which was received, and the estimate (presented therewith) approved:

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

*Gentlemen*:—I herewith report a second and final estimate in behalf of J. H. Forrest, for constructing a brick sewer, three feet internal diameter, in and along Delaware street, from North street to and connecting with the Massachusetts avenue sewer at New York street:

2,370 7-12 lineal feet property line, at \$1.50 .....		\$3,555 88
2,370 7-12 lineal feet property line, city portion, at 10c .....	\$ 237 05	
372 8½-12 lineal feet street and alleys crossings at \$3.20.....	1,192 67	
12 catch-basins at \$75 .....	900 00	
6 manholes at \$37.50 .....	225 00	
38 feet 18-inch gutter pipe, at \$1 50 .....	57 00	

270 feet 15-inch gutter pipe, at 1.00.....	\$ 270 00	
1,600 brick for gutter pipe facing, at \$13.50 per 1,000...	21 60	
Total city portion .....	\$ 2,903 32	
Total estimate .....		\$6,459 20
Ten per cent. of total estimate reserved from city portion...	\$ 645 92	
City portion, less ten per cent. reserved .....		\$2,257 40
Respectfully submitted,		
S. H. SHEARER, City Civil Engineer.		

The following estimate resolution was read:

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis,* That the accompanying second and final estimate in behalf of J. H. Forrest, for constructing a brick sewer, three feet internal diameter, in and along Delaware street, from North street to and connecting with the Massachusetts avenue sewer at New York street, be, and the same is hereby, adopted as the estimate of the Common Council and Board of Aldermen of said city; 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**, 14—viz. Councilmen Bedford, Brundage, Cole, Coy, Dean, Dowling, Egger, Hartmann, Knodel, Koller, Mauer, Reichwein, Stout, and Weaver.

**NAYS**—None.

#### MESSAGES AND PAPERS FROM THE BOARD OF ALDERMEN.

The following message was read, and on motion by Councilman Dean, the Common Council receded from their former action, and the action of the Board of Aldermen was concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, non-concurred in your action ordering five hundred copies of the report of the Chief Fire Engineer printed in pamphlet form, but concurred in your action ordering "That all annual reports be printed and consolidated in book of annual reports," with the further recommendation that such book include all reports of departments for the year ending January 1, 1883, complete at this date, one thousand copies of such book to be printed, bound in paper, and to be let to the lowest bidder, the Chief Fire Engineer's report to be first in order.

I submit the foregoing for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, concurred in the adoption of the motion "That the City Clerk advertise ten days in the Indianapolis Journal and Sentinel for separate bids for purchase of the Tomlinson properties," with the further recommendation to also advertise in the Times and Telegraph.

I submit the foregoing for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read, and referred to a conference committee appointed at a previous session on this subject:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, concurred in the report of the Finance Committee, recommending Ap. O. 14, 1883, "An ordinance appropriating the sum of one thousand dollars on account of the Street Department of the city of Indianapolis, for repairing streets, etc.," do not pass until the ordinance now pending in the Common Council, for \$1,500.00 for same department, and passed by this body, be approved by such Council.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, adopted the following resolution:

WHEREAS, Notices have at various times been served by the City of Indianapolis on railroad companies and others obstructing the flow of water in Pogue's Run, in said city, to remove such obstructions; and

Whereas, None of said companies or persons have, so far, complied with said notices, and none, except the P., C. & St. L. R. R. Co., have even expressed an intention of complying with such demands; and

Whereas, The persons and corporations hereinafter named, are now maintaining, for private use, certain pile trestle work and other obstructions in the bed of said stream, in violation of the provisions of an ordinance of said city, entitled "An ordinance protecting the bed of Pogue's Run from being obstructed by builders or others," ordained May 16th, 1864; and

Whereas, It is deemed necessary, for the general welfare, that all obstructions to the free flow of the water of said stream therein, be removed therefrom without unnecessary delay; therefore,

Resolved, That the following named persons and corporations be, and they are each hereby, directed and required to remove, without unnecessary delay, the obstructions herein named, from the bed of Pogue's Run, in said city, to-wit:

1. The Wabash, St. Louis & Pacific Railway Company, (successor to the I., P. & C. R. R. Co.), certain trestle work supporting its bridge over said stream near Liberty street. Also, the remains of the old dam constructed by said I., P. & C. Company across said stream below Washington street, together with all accumulations of sand, dirt and rubbish above the same, caused by said dam. And, if by any contract between said W., St. L. & P., and I., P. & C. companies, or in law or equity said Indianapolis, Peru & Chicago R. R. Co. should remove the same, then said last named company is hereby directed and required to do said work.

2. The Cleveland, Columbus, Cincinnati & Indianapolis Railroad Company, and the firm of Cobb & Branham, certain trestle work supporting the bridge over said stream near Ohio street, leading to the coal yard of said firm.

3. The Cincinnati, Hamilton & Indianapolis Railroad Company, (formerly the Junction Railroad Company), certain pile trestle work under its bridge crossing said stream near south East street; said obstruction not only being maintained in violation of the provisions of the ordinance above referred to, but also in violation of the terms of the ordinance granting said Junction Railroad Company the right to enter said city and cross said stream.

4. The Pittsburg, Cincinnati & St. Louis Railroad Company, certain pile trestle work under its bridge across said stream near south East street.

5. Thomas M. Dickson, John W. Dickson and James C. Dickson, (trading as Wm. B. Dickson & Co.), certain trestle work under their lumber yard bridges across said stream in the square bounded by Washington, Noble, Market and Pine streets. Also, to widen said stream where the banks thereof have heretofore been contracted by them, to its original width and capacity.

*Resolved, further,* That the Street Commissioner be, and he is hereby, directed to remove all of the above described obstructions from the bed of Pogue's Run at the end of thirty days from the service of this notice on each of said persons and corporations respectively, or as soon thereafter as he can do the same, unless removed by said parties within said time; *Provided, however,* if said persons and corporations, or any of them, before the expiration of said time, shall indicate their intention of removing said obstructions, and bridging said stream as the City Civil Engineer may direct, as soon as they can conveniently arrange to do the same, said Street Commissioner shall not do the work above indicated until the expiration of three months from the date of said service of notice; said intention to be expressed in writing, addressed to said Street Commissioner, or the Mayor, Common Council and Board of Aldermen.

In case said Street Commissioner shall be interfered with in the performance of the work hereby directed to be done by him, the police force is hereby directed to protect him in the performance thereof. And in case said Street Commissioner shall be temporarily enjoined by order of any court in the performance of said work, the City Attorney is hereby directed to take any and all necessary legal steps to protect said Commissioner in his said work, and to cause said obstructions to be speedily removed; and the cost thereof to be collected from said persons and corporations, respectively.

*And resolved further,* That the Street Commissioner be, and he is hereby, directed and delegated to serve this preamble and resolution on each of said firms and corporations, and of his doings to make due return endorsed on the certified copy issued to him, into the office of the City Clerk.

I submit the above for your consideration.

For the Board of Aldermen :

GEO. T. BREUNIG, Clerk.

And the resolution was concurrently adopted by the following vote:

AYES, 16—viz. Councilmen Bedford, Brundage, Cole, Coy, Dean, Dowling, Egger, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Reichwein, Stout, and Weaver.

NAYS—None.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, adopted the following motion, and requested that his Honor, Mayor Grubbs, act as a member of such committee:

"That the City Civil Engineer be, and he is hereby, instructed to prepare maps or drawings of Pogue's Run and State Ditch, from the corporation line on the north-

east, to the mouth of said streams, plainly showing all obstructions, impediments, bridges, culverts, and, in fact, anything that would tend to obstruct the natural flow of water in said channels. And when said maps or drawings are completed—which shall be done without any unnecessary delay—the City Civil Engineer will notify the appropriate committees having the matter in charge, as soon as such plans and drawings are complete. It is further moved that a special committee of three members from this body, to act with a special Council Committee, appointed by the Mayor, and also a special committee of three citizens, consisting of Gen. T. A. Morris, W. H. English and N. S. Byram, who are requested to meet with the city authorities so soon as the City Civil Engineer prepares his maps and drawings, for the purpose of providing a plan to enlarge the streams so as to accommodate the water, and report the probable cost thereof.”

President James T. Layman and Aldermen Scibert, Musmann, and DeRuiter were appointed to act as the Aldermanic members of such committee.

I submit the above for your consideration.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The Chair appointed Councilmen Cole, Dean and Dowling, to act as members of such committee; and, on motion, His Honor, Mayor Grubbs, was requested to act as a member of such committee.

The following message was read, and the action of the Board of Aldermen concurred in:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, February 26th, 1883, granted the prayer of the following petition:

To the Honorable Board of Aldermen and Common Council:

*Gentlemen:*—We, the undersigned, desire to obtain General Auction License for one (1) year, with privilege of taking out quarterly.

Respectfully,

WRIGHT & HOLDEN.

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

The following message was read:

To the Mayor and Common Council:

*Gentlemen:*—The Board of Aldermen, in regular session, held in the Aldermanic Chamber, Monday evening, March 6th, 1883, adopted the following resolution:

“*Resolved*, That, if necessary and thought proper by the City Attorney, he may bring any suit in advance of the qualification of the Board of Metropolitan Police Commissioners, to enjoin them from taking possession of or exercising control over any of the police property of said city, or otherwise interfering with the Police Board or officers of police in said city in the discharge of their several duties.”

For the Board of Aldermen:

GEO. T. BREUNIG, Clerk.

Councilman Dowling moved to lay the above resolution on the table; which failed of adoption by the following vote:

AYES, 4—viz. Councilmen Coy, Dowling, Hartmann, and Koller.

NAYS, 12—viz. Councilmen Bedford, Brundage, Cole, Dean, Egger, Knodel, Maur, Morrison, Pearson, Reichwein, Stout, and Weaver.

The resolution was then concurrently adopted by the following vote:

AYES, 12—viz. Councilmen Bedford, Brundage, Cole, Dean, Egger, Knodel, Mauer, Morrison, Pearson, Reichwein, Stout, and Weaver.

NAYS, 4—viz. Councilmen Coy, Dowling, Hartmann, and Koller.

INTRODUCTION OF GENERAL AND SPECIAL ORDINANCES.

Under this order of business, the following entitled ordinances were introduced and severally read the first time:

By Councilman Cole:

G. O. 10, 1883—An ordinance to regulate the soliciting of business by the owners and drivers of Express Wagons, and others working in their interest.

By Councilman Dean:

S. O. 6, 1883—An ordinance to provide for grading, bowldering and curbing the west gutter of Delaware street, from South street to Madison avenue.

By Councilman Egger:

S. O. 7, 1883—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Beaty street, between McCarty and Buchanan streets.

S. O. 8, 1883—An ordinance to provide for the erection of lamp-posts, lamps and fixtures (complete to burn gas, except the service pipes), on Sullivan street, between McCarty and Buchanan streets.

By Councilman Weaver, accompanied by the following petition:

S. O. 9, 1883—An ordinance to provide for grading and graveling fifty-three feet and eight inches ( $53\frac{8}{12}$ ) of the west side of Peru street, from Lincoln avenue to Seventh street.

Indianapolis, February 28th, 1883.

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

*Gentlemen:*—The undersigned, owners of real estate fronting on Peru street, between Lincoln avenue and Seventh street, respectfully petition for the passage of an ordinance providing for grading and graveling the roadway and west sidewalk of Peru street, from Lincoln avenue to Seventh street.

A. & J. C. S. Harrison, 240 feet; Mary A. Reynolds,  
142 feet.

By Councilman Dean:

G. O. 11, 1883—An ordinance authorizing the issuance of a license to Samuel Rosengarten, to exhibit an Incubator, and fixing the amount of license money to be paid by said Rosengarten.

On motion by Councilman Dean, the rules were suspended for the purpose of placing the foregoing ordinance on its final passage, by the following vote:

**AYES, 21**—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Weaver and Yoke.

**NAYS**—None.

G. O. 11, 1883, was then read the second time, ordered engrossed, read the third time, and passed by the following vote:

**AYES, 21**—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Coy, Dean, Dowling, Egger, Fultz, Hartmann, Knodel, Koller, Mauer, Morrison, Pearson, Pritchard, Reichwein, Stout, Weaver, and Yoke.

**NAYS**—None.

#### INTRODUCTION OF MISCELLANEOUS BUSINESS.

Councilman Bedford offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby, instructed to repair and complete the sidewalk on Massachusetts avenue and Liberty street, as it is almost impassable whenever it rains, the same being the city's portion.

Councilman Brundage offered the following motion; which was adopted:

That the Street Commissioner be, and is hereby, instructed to examine the Reid street bridge over Pleasant Run, and to take such action as will secure the bridge from falling down, until it is properly repaired.

Councilman Caylor presented the following petition and resolution; which were referred to the Committee on Streets and Alleys:

*Indianapolis, Feb. 23d, 1883.*

To the Common Council and Board of Aldermen:

*Gentlemen:*—We, the undersigned, citizens and property holders residing on north West street, petition your honorable bodies and ask that you will order an extension of the Citizens' Street Car line from present terminal point on West street, north on said West street to McIntire street; and your petitioners will ever pray.

Respectfully submitted,

D. H. C. Page, Geo. N. Truman, Josiah Smith, J. A. Given, Jacob Mueller, Daniel Hottman, W. C. Deviney, O. I. Moffitt, R. D. Dodds, Thomas Brady, O. H. P. Arey, G. P. Miller, G. S. Linchman, Robt. L. Smith, H. Cahill, G. W. Legg, David Riebel, J. W. Ely, John C. Wright, John Barnes, Geo. Lanse, Isaac A. Young, James Smith, E. S. Field, Henry Williams, John W. Matz, John Kistler, Thomas T. Cookson, Wm. O. Mailia, J. H. Manley, Thos. Purdell, Daniel Sheet, +; Thomas Jones, +; Lafayette Sully, J. Beal, Radford Horney, John Lather, S. H. Hensel, Jac. Louder, Geo. F. Schowe, H. J. Roy, D. R. Cathro, H. T. Mathews, H. Wilson, A. F. Hermann, Gilbert Martin, John Frank, W. Martin, Geo. Robinson, +; P. N. H. Johnson, Thos. Quinn, William Gordon, D. Hazzard & Son, L. D. Culloden, S. A. Fletcher & Co., C. C. Raines, J. M. J. Collins, Charles Baxter, W. H. Wilson, T. M. Hume, C. Carroll, W. H. Chamberlin, W. H. Truax.

*Resolved by the Common Council and Board of Aldermen of the City of Indianapolis, That the Citizens' Street Railroad Company be, and are hereby, ordered to extend their West street line from its present terminus, north on West street to McIntire street, and to be laid with Johnson's improved rail.*

Councilman Egger offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, directed to designate the house numbers on East street, between Morris street and the south corporation limits.

Councilman Fultz offered the following motion; which was adopted:

That the City Civil Engineer be, and is hereby, instructed to survey Morris street, between Dakota street and the bridge over White River, and report to this Council the probable cost of raising the street above high water mark.

Councilman Hartmann offered the following motion; which was adopted:

That Frederick Noelke and John Schnitker be, and are hereby, granted permission to grade and gravel the alley between their property, being the first alley west of Pine street, running from Georgia street south to first alley; work to be done at their own expense, and under the direction of the City Civil Engineer.

Councilman Koller offered the following motion; which was referred to the Board of Public Improvements:

That the Street Commissioner be, and is hereby, directed to fill the chuck-holes on Pine street, between Market and North streets.

His Honor, Mayor Grubbs, and certain Councilmen, presented twenty-two general petitions from citizens, praying for the passage of an ordinance now pending before the Common Council, granting the Metropolitan Railway Company the right to lay a Street Railway track upon and along the routes named in the ordinance; and Councilman Morrison presented a remonstrance from merchants and property owners on south Meridian street, protesting against any company or corporation the right to use Meridian street, between Washington and Louisiana streets, for laying Street Railway tracks, and referred the same to the Committees on Judiciary and Railroads, and ordered them not printed in the proceedings.

Councilman Pearson presented the following petition; which was referred to the Finance Committee and City Attorney:

*Indianapolis, Ind., Feb. 19, 1883.*

To the Honorable City Council:

*Gentlemen:*—The undersigned would like to buy  $1\frac{1}{2}$  feet of the west line of the City Dispensary lot on Ohio street, in addition to the 17 feet already bought by me; will be willing to pay \$100 per foot. The city can spare the ground without any damage at the present or future occupancy of the lot.

Respectfully,

JAMES M. TOMLINSON.

Councilman Reichwein offered the following motions; which were referred to the Board of Public Improvements:



That the Street Commissioner be, and he is hereby, directed to lay stone crossings on Market street, crossing New Jersey street.

That the Street Commissioner be, and he is hereby, directed to lay stone crossings on Liberty street, crossing Market street.

Councilman Stout presented the following resolution; which was referred to the Committee on Water, to report at the next meeting:

*Resolved*, That the Indianapolis Water-Works Company are hereby directed to extend the line of mains now ordered to be laid on Tinker street to Delaware street, and thence south on Delaware street to connect with mains at the intersection of Home avenue.

Councilman Weaver presented the following petition and motion; which were referred to the Committee on Streets and Alleys:

March 5, 1883.

To the Honorable City Council and Board of Aldermen:

*Gentlemen*:—We, the undersigned petitioners, respectfully request that your honorable bodies pass a resolution requiring the Street Car Company to extend a street railway line along the following route: Commencing at the terminus of Massachusetts avenue, thence running north on Peru street to Lincoln avenue, thence east on Lincoln avenue to Newman street, and north on Newman street to Ninth street.

George Weaver, 559 east Seventh street; Chas. G. Lowe, 104 Peru street, 40 feet; Caroline Anderson 71 Peru street, 40 feet; James F. Carter, 322 Lincoln avenue; J. M. Truman, Columbia avenue; Thomas Mitchell, 116 Columbia avenue; James G. Marshall, 117 Columbia avenue; Amanda H. Hook, 123 Columbia avenue; John Marshall, 125 Columbia avenue; Andy Brinks, 134 Columbia avenue; Dr. B. W. Sullivan, 148 Columbia avenue; John Fehrin, 131 Columbia avenue; J. P. Miers, 152 Columbia avenue; David Greenwood, 138 Columbia avenue; and 61 others.

That the Committee on Streets and Alleys of the two bodies be, and they are hereby, directed to confer with the eastern extension of the I., B. & W. R. y. Co., and the Pendleton Pike Gravel Road Co., with a view to purchasing the rights of said companies in said Pike, and report to this Council and Board at the earliest day practicable.

#### PENDING ORDINANCES.

The following entitled ordinance was read the second time:

G. O. 4, 1883—An ordinance granting the Indianapolis Oil Tank Line Co. the right and privilege to build and construct a railroad switch in Louisiana street, from the C., I., St. L. & C. R. R. Co.'s track opposite Lot 15, and running to Lot 24, in Out-lot 91, in the City of Indianapolis

On motion by Councilman Dowling, the above ordinance was referred to a special committee of three. The Chair appointed Councilmen Yoke, Hartmann and Reichwein to act as members of such committee.

The following entitled ordinance was read the second time:

G. O. 1, 1883—An ordinance to repeal Section five (5) of an ordinance entitled "An ordinance for the protection of travelers, passengers and baggage, and for the preservation of order in and about the Union Depot, in the City of Indianapolis, Indiana," ordained February 20th, 1882.

Councilman Dowling moved to refer the ordinance to the Committee on Judiciary.

Councilman Stout moved the previous question; which failed of being ordered, by the following vote:

AYES, 9—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Egger, Mauer, Morrison, Pearson, and Stout.

NAYS, 10—viz. Councilmen Cole, Dowling, Fultz, Hartmann, Knodel, Koller, Pritchard, Reichwein, Weaver, and Yoke.

Councilman Dowling's motion was then adopted.

On motion by Councilman Morrison, the Common Council adjourned, by the following vote:

AYES, 13—viz. Councilmen Bedford, Brundage, Bryce, Caylor, Cole, Dean, Dowling, Fultz, Hartmann, Koller, Mauer, Morrison, and Weaver.

NAYS, 7—viz. Councilmen Egger, Knodel, Pearson, Pritchard, Reichwein, Stout, and Yoke.

DANIEL W. GRUBBS, Mayor,

President of the Common Council.

Attest: JOS. T. MAGNER, City Clerk.